

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, January 8, 2014, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Tim Schwinabart	Jerry Plauger
George Brady	Jeff Conner	John Nelson-staff
Jeff Messenger	Jackie Brady	William DeVore-staff
Bob Gatto	Paul Durham	Deborah Carpenter-staff

1. Call to Order - by Chairman Troy Ellington at 1:30 pm.
2. The December minutes were unanimously approved, as submitted.
3. Report of Officers – None
4. Unfinished Business – None
5. New Business –
 - A. Recognition of Service- George Brady for 43 years of service to the Planning Commission.** County Commissioner Bob Gatto presented George Brady with a Certificate of Commendation from the County and the 2014 Board of County Commissioners for appreciation of Mr. Brady’s 43 years of service to the Garrett County Planning Commission. The certificate notes that Mr. Brady’s hard work and dedication has helped improve the quality of life for the residents of Garrett County and Mr. Brady is appreciated and respected by all.

Commissioner Gatto noted that Mr. Brady is a charter member of the Planning Commission and was instrumental in the development of the Deep Creek Watershed Zoning Ordinance. Mr. Brady’s term on the Commission expires next month.

Both Commissioner Gatto and Paul Durham noted that throughout his time on the Commission, Mr. Brady has championed the cause of the “little guy” regarding his decisions. Commissioner Gatto invited Mr. Brady to continue to

attend future meetings of the Commission. Mr. Gatto believes that his successor will have difficult shoes to fill.

Mr. Nelson provided Mr. Brady with copies of documents from 1971 regarding the formation of the Garrett County Planning Commission, the letter of the first meeting of the Planning Commission, from January 14, 1971, and a letter regarding Mr. Brady's appointment to his second term on the Commission, dated January 21, 1974.

B. Recognition of Service- Chairman Ellington also announced that this would be the last meeting, for John Nelson as the Director of the Department of Planning and Land Development, due to his impending retirement at the end of this month. Chairman Ellington thanked John for his 37 years of service to Garrett County and the Planning Commission. The Chairman noted that Mr. Nelson started his career for the County in 1977. In 1985, Mr. Nelson was promoted to the director of the Planning Office and in 2005 Mr. Nelson took on additional responsibilities and became the Director of Planning and Land Development. Mr. Nelson's position and tenure as director makes him the longest serving director in this capacity, in the State. Mr. Ellington believes that Mr. Nelson is recognized as an expert in his field and is held in high regard as a planning leader throughout the State.

C. Further Discussion Regarding 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. After discussion, the Board believes that there are still some other unanswered questions concerning the proposed wind turbines within the boundaries of the Deep Creek Watershed. Some members of the Commission believe that it would be best to delay the planned public hearing for the proposed amendment to the zoning ordinance, for another month, so that the applicant has more time to assemble information concerning the sound, wildlife impact and the appearance of the proposed turbines. There were also questions regarding the Public Service Commission (PSC) requirements for an application for the turbines. Aesthetic views from different perspectives around the area were also requested by the Commission for the hearing.

Chairman Ellington believes that the POA and other groups have many questions and concerns about the proposed turbines and the amendment. The Chairman stated that there should be "good reason" to change the decision that was made four years ago to amend the zoning ordinance to exclude wind turbines.

Jeff Messenger who is one of the landowners involved with the project stated that he will make sure Flo Design has the information to answer any questions that may arise at the public hearing. Mr. Messenger believes that is it up to the developer to assume the risk of being able to comply with any state or federal regulations regarding wind turbines.

Tim Schwinabart believes that one of the advantages of these turbines is that they are not as tall as “conventional” turbines and they would be located in an area that would be distant from Deep Creek Lake. Mr. Schwinabart feels that the shroud design may also be an asset to the turbine plan. Chairman Ellington believes that the absence of blinking lights on the top of the turbines would also be a consideration.

In response to a question from Commissioner Gatto, John Nelson explained that there would be a limited number of places that would qualify for wind turbines within the zoned area, since this particular request is limited to the RR zone only. Paul Durham reminded the Board that another company besides Flo Design could also request to construct turbines here, if Flo Design would decide to forgo construction. Mr. Nelson added that another company could petition to be closer than the 20,000 feet from the lake; at a later date and that the County Commissioners could modify the request to make the use a Special Exception (SE) instead of the Permitted (P) use that is proposed by the applicant.

After discussion, the Board approved a motion, by a vote of 5 to 0, to postpone the public hearing on the amendment request and to reschedule the hearing for the regular March meeting of the Commission. The Commission voted to change the public hearing from the tentatively scheduled February date, to the March 5, 2014, meeting date, beginning at 1:30 p.m. Jeff Messenger was recused from the vote, at his request.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

- A. VR-711-** an application submitted by Kyle Newsome of Red Run Lodge, LLC for a Variance to allow the continuation of a non-conforming use (restaurant) beyond the two-year timeframe prescribed in the zoning ordinance. The property has historically been used as a restaurant. The owner plans to raze the current building and rebuild the restaurant at the same location. The property is located at 175 Red Run Road, tax map 57, parcel 41 and is zoned Lake Residential 1. The Planning Commission supports the Variance for the lakefront business,

by a vote of 6 to 0, with the understanding that the Variance be issued along with some type of an implementation for a reasonable timeframe for construction of the restaurant.

- B. **VR-712** - an application submitted by John F. Ashley for a Variance to allow an addition to a residence that would come to within 19.0 feet of the rear property line. The property is located at 345 Gravelly Run Road, tax map 50, parcel 506 and is zoned Lake Residential 1. The Planning Commission offered no comments on the proposed application.
- C. **SE-431**- an application submitted by Jim O’Neal, for a Special Exception permit for a business to sell, display and repair lawn and garden equipment and other related equipment. The property is located at 19530 Garrett Highway, tax map 58, parcel 63 and is zoned Town Center. The Planning Commission offered no comments on the proposed application.

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

3. **Election of Officers** –

Troy Ellington was reelected chairman by a unanimous vote of 6 to 0.

Tony Doerr was reelected vice-chairman by a unanimous vote of 6 to 0.

Jeff Messenger was reelected secretary by a unanimous vote of 6 to 0.

4. **Discussion on Major Subdivisions and PRD’s-**

- A) **Brenneman Family Limited Partnership** – Everbright Pacific submitted a subdivision plat of property, tax map 49, parcels 4 and 29, owned by the Brenneman Family Limited Partnership and located along Marsh Hill Road and Hoyes Run Road. Since this property is located within the Wisp Resort Planned Residential Development (PRD), the Planning Commission reviewed the submission to ensure the plat is consistent with the previously approved Wisp Resort PRD concept plan. Parcels 1, 1-A and 2 as depicted on the plat are not proposed for development at this time; rather, the purpose of this plat, as stated on the plat notes, is to transfer ownership within the PRD and to begin the transfer of Brenneman Family Limited Partnership ownership of the Wisp Resort. After

discussion, the Commission granted approval of the waiver request by a unanimous vote of 6 to 0.

- 5. Waiver Requests – Richard Sisler-** Thrasher Engineering submitted a waiver request in order for their client Richard Sisler to subdivide his property located along Friendsville Road. The 2.8-acre property is located on tax map 3, parcels 27, 28 and 130 and is within an Agricultural Resource land classification. Mr. Sisler has requested permission to reconfigure the parcels around the existing machine shop and house. The waiver is necessary since the proposed lot around the house will be 0.72 acres and will not meet the required one-acre minimum lot size. After discussion, the Commission granted approval of the waiver request by a unanimous vote of 6 to 0.

6. Agland Preservation District Applications-None

- D. Next Scheduled meeting -** The next regular meeting of the Planning Commission will be held on **February 5, 2014**, in the County Commissioners Meeting Room, at 1:30 pm.
- E. Adjournment-** 3:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

