

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

GARRETT COUNTY OFFICE OF PLANNING AND LAND MANAGEMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, July 2, 2014, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Tony Doerr	Bill Franklin
Rick Schiff	Jeff Messenger	Susan Hertz
Tim Schwinabart	Bill Weissgerber	William DeVore-staff
Jeff Conner	Paul Durham	Chad Fike-staff

1. Call to Order - by Chairman Ellington at 1:30 pm.
2. The June minutes were unanimously approved, as submitted, by a vote of 7 to 0.
3. Report of Officers – None
4. Unfinished Business – None
5. New Business –
 - A. **Thousand Acres Road Discussion**-The Planning Commission discussed a June 1, 2014, letter from Gary Callen, President of the Thousand Acres Association. The letter indicated that the association had recently acquired ownership of several roads in the Thousand Acres Development and requested the return of a letter of credit associated with repairs to those roads. Chairman Ellington noted that the letter did not specifically request a waiver from the Garrett County Subdivision Ordinance. Although the roads have already transferred to the association, the waiver is necessary since certain sections of the roads were not properly inspected and do not conform to the subdivision ordinance road design standards. Treasurer Susan Hertz represented the association at the meeting and verbally stated that the association did intend this to be a “waiver” request.

The original developer of the roads, Bill Franklin of Thousand Acres Developments, Inc., notes that all roads need to be maintained, as needed, and this section of road is no different. Chairman Ellington points out that when roads are properly constructed, repairs are normally minimized. Chad Fike of the Garrett County Office of Planning and Land Management believes that since this particular section of road was tar and chipped without being inspected, it would

be difficult to prove that the road was constructed on an adequate stone base. Mr. Franklin maintains that when the inspection was due for this section of road the County Roads Department refused to inspect the stone base because a required turnaround at the end of Thousand Acres Road had not been constructed. Before winter hit, Mr. Franklin believes that he was forced to make the decision to tar and chip the road without inspection, for the sake of the residents who live there. Mr. Fike maintains that it was Mr. Franklin's responsibility to resolve any issues associated with the turnaround and follow proper inspection procedures. Mr. Franklin believes that the turnaround area is not required.

Discussion ensued regarding the letter of credit that is still being held by the County. If a developer defaults on their obligations to properly install roads to the subdivision ordinance standards, the County could use that money to complete the improvements. Mr. Fike explained that the intent of the subdivision ordinance is to ensure that developers properly install roads and not burden homeowners with unexpected costs to complete improvements. The Commission is unclear of how this waiver would benefit the homeowners group and what advantage it would be for the group to take over these roads. Mr. Franklin believes that there is historical perspective to show that the Thousand Acres Association, Inc. has always constructed good roads and that the problem was not created by Mr. Franklin.

Chad Fike believes that the County would not be opposed to the homeowners association taking over the road. The Commission questioned whether the homeowners within the development were aware of the roads being transferred. Ms. Hertz stated that the minutes of the association reflect that the members were informed and a vote was taken to accept the road "as is" in May of this year.

A motion was made to accept the waiver contingent on the submission of the minutes from the Thousand Acres homeowners group showing that the membership approved the takeover of the roads "as is". The waiver would approve the transfer of roads and allow the letter of credit to be returned despite the fact that the County was not given the opportunity to properly inspect the roads. Mr. Fike notes that deficiencies were found when inspections were performed and the current condition of the road does not meet all of the ordinance standards.

The Commission believes that historically, the developer and the County have properly built and inspected roads as required by the Garrett County Subdivision Ordinance, though proper protocol may not have been followed in this case. The Commission also notes that the road has been paved for over seven years and the homeowners group has proposed this waiver of the provisions of the ordinance. The motion was approved by a vote of 7 to 0.

B. Discussion- Planning Commission review of “Site Architectural Standards” for Non-Residential Development in the Town Center (TC) zone.

- 1. New Dollar General Store**–Notification of a proposed non-residential structure with metal siding for a new store off of MD Route 219, just north of McHenry. William DeVore, the zoning administrator presented an elevation drawing of the front of the proposed Dollar General building. Mr. DeVore noted that Section 157.078 of the Deep Creek Watershed Zoning Ordinance requires that the zoning administrator notify the Commission and solicit comments for these types of buildings. The Commission believes that the building will meet the design standards of the ordinance and no formal comments were made by the Commission.
- 2. New Silvertree Marine** –Notification of a proposed non-residential structure with metal siding for a new marina maintenance building off of Route 219, just north of McHenry. The Commission believes that the building will meet the design standards of the zoning ordinance and no formal comments were made by the Commission.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. VR-722** - an application submitted by Steven and Susan Porter for a Variance to allow the construction of a residence to within 34 feet of a rear property line. The property is located at 1615 Shoreline Drive, tax map 67, parcel 539 and is zoned Lake Residential 1 (LR1). After discussion, the Planning Commission by a unanimous vote of 7 to 0 recommends to the Board of Appeals to give special consideration to any comments from residents in the neighborhood regarding the Variance.
- b. VR-723** – an application submitted by J. Frederick and Carolyn D. Sharer for a Variance to allow an addition to a detached garage to within 16.5 feet of a front property line. The property is located at 771 Pine Tree Point Road, tax map 67, parcel 476 and is zoned LR1. After discussion, the Planning Commission by a unanimous vote of 7 to 0 recommends to the Board of Appeals to give special consideration to any comments from residents in the neighborhood regarding the Variance.
- c. VR-724** - an application submitted by Carol S. Williams for a Variance to allow an addition to a residence to within 15 feet of the rear property line. The owner has purchased the buy-down from the State of Maryland. The

property is located at 705 Marsh Hill Road, tax map 50, parcel 527 and is zoned LR1. The Commission offered no comments on the request.

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

3. Major Subdivisions-

a. Keyzers Ridge Business Park -Lot 3- The Garrett County Commissioners submitted a one-lot commercial subdivision off of Ridge Business Drive. Keyzers Ridge Business Park- Lot 3, for Exelon Wind. The property is located on tax map 7, parcel 40, in an Employment Center land classification. The Planning Commission granted conditional approval of this Preliminary and Final plat by a unanimous vote of 6 to 0, with one abstention. The approval was conditioned upon receipt of the final signed plat being approved by all other appropriate agencies.

4. Waiver Requests – Thousand Acres Association- See above

5. Action on Planned Residential Developments (PRD's)-None

D. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for **September 3, 2014**, in the County Commissioners Meeting Room, at 1:30 pm. An August meeting is not planned.

E. Adjournment- 2:30 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator

