

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, April 1, 2015, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington	Eric Robison	Deborah Carpenter -staff
Rick Schiff	Pete Versteegen	William DeVore -staff
Tim Schwinabart	Ann Bristow	Chad Fike -staff
Jim Hinebaugh	Paul Weiler	Kevin Faley
Jeff Messenger	Michael Bell	Lisa Jan
Paul Durham	Mary Elizabeth Nimmich	Susan White

1. Call to Order - by Chairman Ellington at 1:30 pm.
2. The March minutes were unanimously approved, by a vote of 5 to 0.
3. Report of Officers – None
4. Unfinished Business – Deborah Carpenter noted that the Director’s Report was circulated in the packets.
5. New Business – Jim Hinebaugh, ex-officio member of the Commission explained that he had to miss earlier meetings of the Planning Commission this year due to a conflict with the meetings of the Maryland Association of Counties Legislative Committee. Commissioner Hinebaugh is a member of that committee which also held its meetings on the first Wednesday of each month in Annapolis during legislative session. Today was the last meeting of the Legislative Committee for this year.

Mr. Hinebaugh also addressed allegations that were brought up during the last meeting, suggesting a potential conflict of interest, for decisions regarding shale gas drilling, due to contributions made by some of his supporters during the election.

The Commissioner stated that he received campaign money from people that are on both sides of the shale gas debate. Mr. Hinebaugh believes that these donations did nothing to affect his ability to be impartial or to affect his objectivity as an ex-officio member of the Planning Commission. Commissioner Hinebaugh stated that he did receive a campaign contribution from Beitzel Corporation, which is a matter of public record and amounted to

approximately one fourth of the total that his campaign received. Mr. Hinebaugh stated that he did not ask for money, nor did anyone ask for anything in exchange for a contribution. His only promise was to do the best of his ability as Commissioner. Mr. Hinebaugh stated that he does support the safe and responsible development of Marcellus Shale, with proper oversight, and has done so since he was the head of the Department of Economic Development for the county. The Commissioner believes that it is wrong to question his integrity because his opinion may be different than the opinion that others may have on the subject. Commissioner Hinebaugh stated that he would not gain personally from drilling in the county nor does he own any mineral rights in the county.

Chairman Ellington stated that the allegations did not come from the Planning Commission but from others. The Chairman introduced the topic at the last meeting because he felt that it would be best to air these types of questions prior to any future public hearing that may arise concerning this divisive issue.

Mr. Hinebaugh also stated that he does not intend to vote on any issues that he would be considering as Commissioner, which has been the policy of previous ex-officio members of the Planning Commission.

Deborah Carpenter, Director of Planning and Land Management notes that the March Director's Report was distributed to the Commission before the meeting. The report highlights the Director's meeting in Baltimore on March 13th with the Rural Economies Workgroup of the Sustainable Growth Commission. The county also has hired a contractor, A. Morton Thomas and Associates, to begin the North Glade Run sub-watershed stormwater assessment. On March 23, the Director attended the Maryland Sustainable Growth Commission meeting. Agenda topics for the meeting are noted in the report.

Carpenter also updated the status of the spatial analysis of the area that could be drilled vertically for natural gas. New calculations are currently underway which will include analysis for the portion of Allegany County that is underlain by the Marcellus Shale formation. The analysis will be a joint release from both counties and the state Departments of Natural Resources and the Environment, using the same applicable GIS map layers. The current analysis shows 2.8% of Garrett County and 3.6% of Allegany County that would be available for vertical drilling. In Garrett County, recent adjustments were made concerning special conservation areas, conservation easements, wetlands, the Accident Dome, designated Wildlands, stream types, Maryland Registry sites, public lands, new source water protection areas, along with other changes to this evaluation. The Director stated that the spatial analysis will become the property of the State after the update is completed. Any areas that are available for drilling, will have to be greater than four acres in size because pad sites are predicted to be approximately five to seven acres in size. After these adjustments are made, a horizontal analysis of the gas extraction area will be performed.

The Director noted that Ed Larrimore of MDE is willing to speak to the Commission concerning the permitting process for shale gas drilling. Mr. Larrimore stated that after some important decisions are made at the state level, he will better be able to structure a presentation to the Commission. Eric Robison believes that House Bill 409 may pass the

Maryland Legislature. This Bill proposes to finalize MDE regulations in 2016 and allow drilling not sooner than October of 2017.

Planning Commission educational updates will be continued on an as needed basis. Paul Durham noted that the County Commissioners are moving forward with an economic study for shale gas drilling. Mr. Durham suggests that specific topics should be included in this study, such as possible effects on tourism and property values and suggests that the Commission should track the progress and contribute to that study.

Some Commission members are interested in making content suggestions for the Request for Proposals (RFP) that will be written to find a contractor, to conduct the economic study, evaluating the impact of Marcellus shale gas drilling in the area.

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. VR-731-** an application submitted by Karen Meyers of Spiker, LLC, for a Variance to allow the construction of a single family residence to within 8.0 feet of a rear property line. The applicant also requests a deck to within 0.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 20676 Garrett Highway, tax map 58, parcel 778, lot 30 and is zoned Town Center (TC). The Commission offered no comments on the application.
- b. VR-732-** an application submitted by Karen Meyers of Spiker, LLC, for a Variance to allow the construction of a single family residence to within 8.0 feet of a rear property line. The applicant also requests a deck to within 0.0 feet of the rear property line. The owner has purchased the “buy-down” from the State of Maryland. The property is located at 20668 Garrett Highway, tax map 58, parcel 779, lot 31 and is zoned Town Center (TC). The Commission offered no comments on the application.

2. Major Subdivisions- None

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

- 4. Waiver Requests – Nancy Nimmich-** Ms. Nimmich is requesting waivers of certain criteria of the Garrett County Subdivision Ordinance, in order to subdivide property off of Lynndale Road. The parcel is located on tax map 91, parcel 10, in a Rural Resource land classification. Ms. Nimmich requests that an expired waiver, granted in 2009, be reinstated to allow the existing road access to remain, with a width of 10 feet, rather than 12 feet. Ms. Nimmich also requested a waiver from the minimum lot size of 3 acres. After discussion, the Commission reinstated the 2009 waiver and

granted approval of the minimum lot size waiver request by a unanimous vote of 5 to 0.

5. State Discharge Permits–None

- B. Discussion of Transportation Priorities-** Director Carpenter explained that the 2014 County’s Transportation Priority List was sent by mail in the Commissioner’s packets. The Director is in the process of compiling the 2015 lists, after consultations with the town mayors and the Department of Public Works. After discussion, the Commission believes the list of priorities should be as follows:

Section 1 - Planning Priorities

- 1) Truck Corridor Feasibility Study – MD Route 495 and US Route 219
- 2) Oakland By-Pass

Section 2 - Safety Priorities

- 1) Loch Lynn Bridge Project – planning phase
- 2) MD Route 135 and Sand Flat Road intersection – safety improvements
- 3) Expansion of use of message signs, especially during inclement weather to direct traffic

Section 3 - System Preservation Priorities

- 1) Stormwater drain repair on US Route 219 at the Burger King restaurant
- 2) Stormwater drain repair on Oakland Drive

Section 4 - Traffic Flow Enhancement Priorities (NONE for 2015)

Section 5 - Sidewalk/Streetscape Priorities

- 1) MD Route 826A to Deer Park Avenue project near Southern High School

Section 6 - Trail and Pedestrian Priorities

- 1) Pedestrian crossing at US Route 219 and Mosser Road. Also turning traffic at this location must be addressed.
- 2) Evaluate pedestrian crossings at UNO’s and Traders Landing for safety improvements. Additional lighting should be considered.

Section 7 - Transit Priorities

- 1) Transit service expansion
- 2) Oakland passenger train feasibility study

Section 8 - Regional Transportation Priorities

- 1) US Route 219 North Reconstruction/Relocation
- 2) Regional Transportation Committee

- C. **Public Discussion-** Lisa Jan believes that speeding traffic through Accident on US Route 219 is a serious problem. Commissioner Hinebaugh suggested that Mrs. Jan take the issue to the Traffic Advisory Committee.

- D. **Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for **May 6, 2015**, in the County Commissioners Meeting Room, at 1:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

