

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, January 6, 2016, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington
Tony Doerr
Jeff Messenger
Jeff Conner
Bill Weissgerber

Tim Schwinabart
Elizabeth Georg
Jonathan Kessler
Paul Durham
Michael Bell
John Leocha

J. B. Churchill-staff
William DeVore -staff
Chad Fike-staff
Eric Robison
Bill Atkinson

1. Call to Order - by Chairman Ellington at 1:30 pm.

2. The December minutes were unanimously approved, as submitted, by a vote of 7 to 0.

3. Report of Officers – None

4. Unfinished Business – Troy Ellington announced that he will not continue as Chairman of the Planning Commission, though he will continue to serve on the Commission.

5. **New Business –**

A. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases-

- a. **SE-442-** an application submitted by Wisp Hotel Investments, LLC for a Special Exception to allow a hotel that would be up to 60 feet and or 6 stories in height. The property is located at 296 Marsh Hill Road, tax map 49, parcels 4A and 14A, in the Commercial Resort 1 and Commercial Resort 2 (CR1 and CR2) zones. The Commission reviewed a detailed plan from Jerry Geisler, of Wisp Hotel Investments, regarding the proposed development of the site for the commercial resort facility. Mr. Geisler circulated a six-page booklet, dated January 2016, of the designs for the proposed hotel. Plans include an artist rendering, elevation drawings with four views and a parking plan from Highland Engineering. Mr. Geisler explained that the new hotel would have 120 units and meet all of the requirements of the zoning ordinance. The new hotel will be approximately 58 feet in height. The hotel will have earth tone colors with traditional stone and will have landscaping around the building. The hotel will be located at the base of the ski slope and have dedicated parking for each hotel unit.

The Planning Commission recommends approval of the Special Exception and the plans for the commercial resort, by a vote of 7 to 0.

- b. **SE-443-** an application submitted by Mark and Wendy Kedzierski to allow the construction of a private, indoor boat storage building in a Lake Residential 1 zone. The property is located at 553 Maybury Lane, tax map 67, parcel 504. The Planning Commission recommends that the Board consider all comments by the neighbors before issuing the Special Exception, by a vote of 7 to 0.
- c. **SE-444-** an application submitted by Maureen Roden to allow an eight-bedroom Transient Vacation Rental Unit. The property is located at 88 Eye Opener Lane, tax map 49, parcel 123, lot 15 and is zoned LR1. The Planning Commission offered no comments regarding the proposal.
- d. **VR-746-** an application submitted by Jonathan Kessler, of McHenry Cove, LLC. for Variances to allow the construction of motel cabins to within six feet of a side property line. The owner also requests a separate variance to allow a motel cabin unit to within six feet of the rear property line. The owner has purchased the buydown from the State of Maryland. The property is located at 1417 Deep Creek Drive, tax map 50, parcel 308, lots 6 and 7 and is zoned Town Center.

Jonathan Kessler, owner of McHenry Cove, LLC presented an overview of the proposed project. The site would have five cabins and would be at least six feet from the northern, side property line, near a neighboring trailer court. A six foot fence will also be installed along this line. The property originally is comprised of two lots, one of which has an existing home. Three of the five units will have kitchens. A location is planned for gatherings of groups for special occasions and other celebrations. Commercial docks as day-slips are also part of the plan.

The Planning Commission supports the request and recommends approval of the Variance requests, by a vote of 7 to 0.

- e. **VR-747-** an application submitted by Michael Fedor for a Variance to allow the construction of an accessory garage that would come to within 20.0 feet of a perimeter boundary of a Planned Residential Development. The property is located at 388 Carmel Cove Drive, tax map 59, parcel 540, lot 13C and is zoned Lake Residential 1. The Planning Commission offered no comments regarding the proposal for the Variance.

- 2. **Major Subdivisions- Preliminary and Final Plat-Virgil Stone-** The developer, Virgil Stone, submitted a one-lot subdivision located off of Table Rock Road. The property is located on tax map 100, parcel 129, in a Rural land classification. The developer also requested waivers from the minimum road design standards and road maintenance and ownership requirements. After discussion, the Planning Commission granted approval of the waivers and granted conditional approval of the Preliminary and Final Plat, by a unanimous vote of 7 to 0. The approval was conditioned on submittal of documentation regarding an easement over the existing driveway.

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

4. Waiver Requests – See Stone Final plat in Major Subdivisions above.

5. Election of Officers:

Tony Doerr was elected chairman by a unanimous vote of 7 to 0.

Jeff Conner was elected vice-chairman by a unanimous vote of 7 to 0.

Jeff Messenger was re-elected secretary by a unanimous vote of 7 to 0.

B. Discussion Items-

- 1. **Tier Map Amendments-** The Sustainable Growth and Agricultural Preservation Act of 2012 (“The Septic Bill”) required counties to adopt a Tier Map and incorporate it into their County Comprehensive Plan. Chad Fike advised the Commission that maps showing changes to the Tier Map adopted in 2012 have been developed and were distributed. The intent of the changes is to ensure the Tier Map

is made accurate prior to adding it to the Comprehensive Plan. The following updates to the Tier Map are proposed:

- a. **Tier I-**Mr. Fike explained that the county has adopted a Water and Sewer Master Plan that accurately shows the areas with planned and existing public sewer. This Plan was not available in 2012 when the Tier Map was originally created. The Tier I designation is intended for areas that are currently served by sewerage systems. The new map that was distributed shows the existing Tier I areas in red and proposed Tier I areas in green. The proposed map is intended to correct the current map by accurately showing the areas currently served by public sewer. Major and minor subdivisions are permitted within Tier I. Bill Atkinson and John Leocha of Maryland Department of Planning agree that the areas shown should be Tier I.
- b. **Tier II-** The Tier II designation is intended for areas that are planned to have public sewerage systems. In 2012, the Tier IIa designation was used on the maps to show municipal growth areas. The IIa designation will not be used on the new mapping and will be shown as Tier II. Areas shown in green on the map are planned for sewer within three years. Areas that are planned to be served by sewerage systems beyond three years in the future are not proposed to be included in the Tier II area.

Mr. Leocha noted that Tier II typically includes all areas that are planned for future sewer regardless of the time frame but there is a possibility that the State will allow areas with longer term plans for sewer beyond three years to be included into Tier III, rather than Tier II. Mr. Leocha understands the drawback of including these areas planned for long term sewer in Tier II and the reasoning of the county for including the areas as Tier III. He believes that the county should document their justification for the way these areas are mapped. Bill Atkinson noted that the Tier Map can be changed at any time, it does not have to be done as a part of the change to the Comprehensive Plan.

Major and minor subdivisions are permitted in Tier II using both public sewer and private septic systems. However private septic systems are viewed as interim systems, until public sewerage systems are made available.

- c. **Tier III-**These areas are not planned to be served by sewerage systems. Major subdivisions on septic systems are permitted, but must be reviewed and recommended for approval by the Planning Commission. The areas planned for sewer within three years are currently shown within Tier III. The only change to Tier III would be the deletion of those areas.

- d. Tier IV-** No changes are proposed to these areas. Tier IV areas are planned for preservation and conservation and prohibit residential major subdivisions. The criteria dictated that all Garrett County's AR and RR areas became Tier IV, plus all areas deemed to be "dominated by agricultural lands, forest lands, or other natural areas."

The Planning Commission adopted the new maps, as proposed, by a vote of 7 to 0.

- C. Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for **February 3, 2016** in the County Commissioners Meeting Room, at 1:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

