

GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND MANAGEMENT

203 South Fourth Street –Room 208
Oakland Maryland 21550
(301) 334-1920 FAX (301) 334-5023
E-mail: planning@garrettcountry.org

MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, April 6, 2016, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Tony Doerr
Troy Ellington
Tim Schwinabart
Jeff Messenger
Elizabeth Georg
Eric Robison

Jim Hinebaugh
Gorman Getty
Jay Moyer
Paul Durham
Kerry Schultz

Deborah Carpenter-staff
William DeVore -staff
Chad Fike-staff
Cecil Holtschneider
Dan Holtschneider

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The March minutes were unanimously approved, as submitted, by a vote of 6 to 0.
3. Report of Officers – None
4. Unfinished Business –
5. New Business –

A. Miscellaneous

1. **Deep Creek Watershed Zoning Appeals Cases- None**
2. **Action on Major Subdivisions- None**
3. **Action on Planned Residential Developments (PRD's)- None**

4. Proposed Amendment to the Deep Creek Watershed – Director of Planning, Deborah Carpenter noted that there has been a formal request to amend the Deep Creek Watershed Zoning Ordinance. A letter from the Zoning Administrator acknowledging the request, along with the form for the request, was distributed to the Planning Commission. The proposed amendment requests that the current section of the ordinance permitting ‘drilling for, or removal or underground storage of natural gas’ in all districts if certain geographic setbacks are maintained, be changed to ‘Natural gas wellheads’, not permitted in any district. During the next regular meeting of the Commission on May 4th, the Commission should be prepared to either make a recommendation to the County Commissioners regarding the proposal for the amendment or schedule a public hearing. Conducting a public hearing is optional for the Planning Commission; however, the County Commissioners are required to have a public hearing concerning the request.

5. Waiver Requests –

- a.) **Rocklick Creek Estates-** Chad Fike explained that Cecil Holtschneider has requested a waiver pertaining to an access road in the proposed Rocklick Creek Estates subdivision. Mr. Fike stated that the Planning Commission issued preliminary approval for Phase 1 and Phase 2 of the subdivision, in April and May of 2010. The property is designated as tax map 42, parcel 2, and is located in an Agricultural Resource land classification. The office has been aware of issues with the subdivision concerning Haentfling Road access and a court case concerning a disputed property boundary between Holtschneider and Haentfling. Mr. Fike noted that the road plan for the subdivision still has not been approved, due to these property boundary issues.

As shown on the plat, the Holtschneider property does not have direct frontage on the existing alignment of Haentfling Road (a County Road), which is marked “existing driveway” on the Schultz plat. Mr. Fike believes that the proposed “Y” alignment in front of the Fike property does not meet Section 157.111.D (1) of the Garrett County Subdivision Ordinance. The road intersects with Haentfling Road at an angle that does not meet the minimum inside angle of 68 degrees that is required in the ordinance, for all subdivision road intersections. Mr. Fike stated that the Commission could grant a waiver for a sharper road angle, but the intersection must still be subject to County Road entrance permit standards for commercial access. He noted that these subdivision road intersection standards are duplicated in the County Road standards that could only be waived by the County Commissioners, acting as the County Roads Board.

Mr. Fike believes that one problem with the waiver request is that there may be gaps in the ownership of the land at the proposed access road. The Planning Commission cannot consider the separate proposal to realign Haentfling Road. The Roads Board would have to consider such a request.

Kerry Schultz of Mountain View Engineering and Surveying appeared before the Commission to help explain the request for Cecil Holtschneider and his son Dan Holtschneider. Mr. Schultz stated that the subdivision dates back to 2010 and the final approval must be attained within ten years, so he feel this must be resolved. Mr. Kerry distributed three pictures of the site together with the plat and the waiver request, both dated March 23, 2016. Mr. Schultz explained that the property was originally all one parcel and now Mr. Holtschneider has the residue of the tract. The court has determined that the property line is the center line of the County road. There are 19 lots in the new subdivision. Mr. Schultz believes that the first preference would be to accomplish this by the extension of an Haentfling Road. Another option would be to extend the subdivision road. Mr. Schultz believes that the situation creates a hardship for Mr. Holtschneider.

The County Attorney, Gorman Getty, first formally requested a title abstract regarding the ownership of the property in 2010. Mr. Getty believes that the title abstract is necessary in order to clear up ownership issues at the site. The attorney asked if the property where the request is being made is entirely owned by Mr. Holtschneider. Mr. Getty stated that the County must be certain that any extensions to Haentfling Road do not cross private property and he reiterated that the County cannot give anyone the right to use someone else's property. Mr. Getty believes that the County must be petitioned to open or relocate the road but this can only be done on property that is owned by the petitioner, unless one has the consent of the other landowners that are involved. The County does not have the ability, short of condemnation, to impose moving the road onto the Haentfling's or the Fike's, who are the other property owners in the area. In summary, Mr. Schultz stated that his client's only options are to re-approach the Haentfling's to purchase more property, or to design a new road as a subdivision road, which creates the intersection, which is part of this waiver request.

Mr. Holtschneider reiterated that this entire area was part of the original farm. Haentfling bought 15 acres of that farm, which is now in dispute. The issue has been to court, because the Haentfling's are opposed to the development and own to the center of the old road. The roadbed is clearly visible in the field and in the pictures submitted with the waiver request. Mr. Holtschneider was critical of the Roads Department and suggested that the department did not appropriately move the road to the current location. Though the old roadbed is not maintained by the County, he believes it is an existing County road.

Mr. Holtschneider and his surveyor believe that the waiver is necessary in order to create a private subdivision road to provide access. Mr. Shultz believes that it is in the best interest of the County to rectify this situation and that a 20-foot wide road would fit on the Holtschneider property. Dan Holtschneider believes that the plat and the pictures clearly shows that the property to be used for the subdivision road is owned by the Holtschneider's.

Jay Moyer of the County Roads Division believes that Haentfling Road was relocated to its current location because the Haentfling's agreed to a turnaround at their property. Mr. Getty stated that the Commission is not tasked with determining property ownership or access to the property, as part of this waiver request. The County Attorney stated that if the property is owned by Holtschneider, then send that certification to the County so that this property ownership issue can be resolved. The Commission could grant a waiver from the permitted angle of a road intersection that is part of the subdivision ordinance. The same requirement is in the provisions of the County Road requirements, which cannot be part of the waiver request.

After considerable discussion, the Commission granted approval of the waiver request by a vote of 5 to 1.

- B. Tier Map Edits** - As discussed at the previous meetings, the Sustainable Growth and Agricultural Preservation Act of 2012, "The Septic Bill", requires counties to adopt a Tier Map and incorporate it into their County Comprehensive Plan. Director Carpenter explained that the State Department of Planning has decided to accept the county Tier Map edits with no comment. The Commission must decide how to put the new map into Chapter 3 of the Comprehensive Plan. To meet the requirements, the map could just be inserted into the Ordinance by the end of the year. The issue could then be revisited when the Plan is updated during the Comprehensive Plan review process.

The Commission voted to inset the new map into the Comprehensive Plan, as is, and address the issue further with the update to the plan, by a vote of 6 to 0.

- C. Discussion and Decision- Draft of the Transportation Priority List**- Director Carpenter previously distributed a list of Priority Capital Projects (attached) that are associated with the Secretary's Annual Tour. The projects include: Planning, Safety, System Preservation, Sidewalk/Streetscape, Trail and Pedestrian, Transit and Regional Transportation Priorities. The list is similar to last year's list, except that the projects that have been completed have been removed.

The Commission added a safety priority at the intersection of Glendale Road and MD 495. The group noted that the intersection is problematic due to the angle of the intersection and limited sight distance. High rates of speed and foggy conditions also contribute to the problem. The group believes that some type of LED lighting, a caution light and/or a redesign of the intersection to closer to a 90 degree angle could help alleviate the safety issues at the intersection.

The Commission also suggests to include the Oakland By-Pass as the number one safety priority and adding the Turkey Neck Road/Route 135 intersection to the list of

safety priorities. The group believes an acceleration lane may be needed at the Route 135/Turkey Neck Road intersection.

Discussion of the Oakland Bypass ensued. Jay Moyer noted that a full environmental review must be performed and some properties must still be purchased for the project. Mr. Moyer believes the State is prepared to begin the development of the relocation when the funds become available. A greater increase in town traffic has been seen and is suspected to have been caused by the completion of Corridor H. .

The Director will prioritize the projects as noted and send a copy by email for review before the list is formally presented to the County Commissioners.

- D. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for **May 4, 2016** in the County Commissioners Meeting Room, at 1:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

Priority Capital Projects
Secretary's 2016 Annual Tour
MD Department of Transportation
TABLE OF CONTENTS

Section 1 - Planning Priorities

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

Section 2 - Safety Priorities

- 1) Loch Lynn Bridge Project – Planning phase
- 2) MD 495 and Glendale Road intersection – safety improvements
- 3) US 219 & Kings Run Road & Builders Way intersections – safety improvements
- 4) MD 135 & Sand Flat Road intersection – safety improvements

Section 3 - System Preservation Priorities

- 1) Stormwater Drain Repair on US 219 at Burger King
- 2) Stormwater Drain Repair on Oakland Drive

Section 4 - Sidewalk/Streetscape Priorities

- 1)

Section 5 - Trail & Pedestrian Priorities

- 1) Pedestrian Crossing at US 219 and Mosser Road; Trail from Garrett College to US 219
- 2) Evaluate pedestrian crossings at UNO's and Traders Landing for safety improvements

Section 6 - Transit Priorities

- 1) Transit Service expansion
- 2) Oakland Passenger Train Feasibility Study

Section 7 - Regional Transportation Priorities

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