

**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, October 4, 2017, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Tony Doerr  
Bruce Swift  
Jeff Messenger

Elizabeth Georg  
Jim Hinebaugh  
Doug Barton

Deborah Carpenter-staff  
William DeVore -staff

1. Call to Order - by Chairman Tony Doerr at 1:30 pm.
2. The September minutes were approved as submitted.
3. Report of Officers – None
4. Unfinished Business – None
5. New Business – Director Carpenter reported that Health Officer, Robert Stephens of the Garrett County Health Department, submitted a letter dated September 11, 2017, to offer input and assistance as an advisor, in updating the Comprehensive Plan. In the letter, Mr. Stephens pointed out that the Department is responsible for the development of community health and wellness plans, which may be beneficial to the development of the county Plan.

The Commission believes that the health officer or his designee should be invited to address the group, at a later date, as well as be invited to all meetings as part of the development of the Comprehensive Plan after a consultant has been hired.

## A. Miscellaneous

### 1. Deep Creek Watershed Zoning Appeals Cases-

- a. **VR-775-** an application submitted by John R. Schneider for a Variance, to allow an addition to a home, to within 10.0 feet, of the side property line. The property is located at 551 Crows Point Road, tax map 67, parcel 209 and is zoned LR1.

The Commission offered no comments regarding the application.

- b. **VR-776-** an application submitted by Philip Goulding for a Variance, to allow a deck to within 0.5 feet, of the rear property line. The owner has purchased the buydown from the State of Maryland. The property is located at 484 Brant Road, tax map 57, parcel 215 and is zoned LR1.

The Commission offered no comments regarding the application.

Discussion ensued regarding the results of the September Special Exception cases. The Board discussed the problems associated with vacation rentals and other Special Exceptions that trigger the need for controversial zoning hearings. It was noted that the Board of Zoning Appeals must take into account certain decisions by the courts, i.e. Pritts vs. Schultz, when considering Special Exception cases. Also, the director noted that the term “conditional use” may be a more accurate term for a “special exception use”. The public often doesn’t understand that the use is permitted and that the hearing allows the Board to set extra conditions. The only way a Board can deny a special exception use is for it to be proven that the use is worse at the given location than it is anywhere else in the district. This is often very hard to prove.

2. **Action on (PRDs) Planned Residential Developments- Wisp Resort Phase 7, Lodestone Subdivision, Biltmore Section 5 & 6.** The developers, NLP of Maryland, LLC, submitted two final plats showing a total of two lots located off Biltmore Ridge Trail, off of Shingle Camp Road. The properties are part of the Wisp Resort PRD and are located on tax map 49, parcel 142, in a Lake Residential 1 (LR1) zoning district. The Planning Commission granted preliminary approval for a total of 145 lots in the Biltmore section, during their September 2013 meeting. The Commission granted approval of the Final plat for Section 5, Lot 9 and the Final Plat of Section 6, Lot 11 by a unanimous vote of 5 to 0
3. **Major Subdivision Requests- Final Plat-North Shore West Phase II, Lot 13** Franklin Trust submitted a Final plat for Lot 13 of North Shore West Phase II. The property is located on tax map 67, parcel 1, in a Lake Residential 1 zoning district.

The Planning Commission granted approval of the Preliminary and Final plat by a unanimous vote of 5 to 0.

4. **Comprehensive Plan Chapter Five:** audio of this discussion has been recorded in its entirety and can be found on the county website: [www.garrettcountry.org](http://www.garrettcountry.org)

Director Carpenter noted that a selection committee will be established to consider the bids for a consultant that will prepare the updated Comprehensive Plan. Liz George volunteered to be the Planning Commission representative on the selection committee. Proposals are due by October 24. Plans are to finish the evaluation process and award the bid by the end of November. The director noted as part of the procurement process, all bidder questions that arise regarding the proposals must be directed to procurement, who will publicly post all of the questions and answers that arise in the process.

**Chapter 5 -Water Resources Element-** The director stated that this Section is required by law, as specified in Chapter 3-106, of the Annotated Code of Maryland. The update is required for the County and the municipalities.

Explanation of the Water Resource Element is described in this introduction and the coordination with the county's municipalities is explained. The water resources policies for unincorporated portions of the County are listed in the element, while water resources policies for the incorporated municipalities are set forth in each of the town's Comprehensive Plans.

**Section 5.1. Goals and Objectives-** Four goals are currently listed in the Plan, which will need to be evaluated for development of the 2018 goals.

**Section 5.2 Drinking Water Assessment-** The quantity and quality of drinking water in the county will be covered, including the new systems that have been added. Source water protection for certain water supplies should be addressed as part of this assessment.

**Section 5.2.1 Public Water Systems –** This discussion includes current status, needs, future plans and open water systems. Much of this will parallel the Water and Sewer Master Plan. The Tables 5.1 and 5.2 will be used as a basis for this evaluation. The current section breaks down the County into six watersheds and then evaluates the significant municipalities and communities within each area.

**Section 5.2.2 -Private Water Systems-** All residences or businesses outside of public water systems, approximately 76 percent, obtain their water from private wells or springs, which are regulated by Environmental Health. These systems will be addressed along with the number of new wells and the new ground water supplies

recently developed by the Garrett County Department of Public Works-Utilities Division.

*Section 5.2.3- Commercial and Agricultural Use*-This section is broken down into commercial, specialized commercial and agricultural uses. The Thayerville/Deep Creek system has now been completed. Wells and water sources should be updated for current special water uses, including for commercial and agricultural uses. Total Maximum Daily Load (TMDL's) as regulated by Maryland Department of the Environment (MDE) will also be an area of concern in this chapter.

*Section 5.2.4- Identification of Issues-Drinking Water*-This section is broken down into unmet future demand and water quality concerns. The Water and Sewer Master Plan will be used as a guide for this chapter also, updating the new expectation for future demand and the reduced risk of natural gas drilling impacts. Water Quality concerns will be addressed including well water problems.

*Section 5.2.5- Potential New Groundwater Supplies*-. This section must be updated to address the impact of the new public systems.

*Section 5.2.6- Potential New Surface Water Supplies*- This section considers new, possible, surface water supplies such as Deep Creek Lake, Savage River Reservoir, Youghiogheny River Reservoir, Bradford Lake, Piney Run Reservoir, Jennings Randolph Lake, Barton Reservoir and other rivers and streams. The Commission believes that some changes can be addressed here including the addition of Little Meadows Lake as a possible water source.

*Section 5.2.7- Source Water Protection*- Certain recommendations are made in this section, which should be reviewed and addressed, as needed. Consideration may need to be made to surface water source protection areas.

*5.3 Wastewater Assessment*- This section describes the existing and projected future demand for public wastewater service in the County. Of course, updating would be required taking into account any changes since 2008.

*Section 5.3.1- Existing Conditions*- The existing conditions of the wastewater service in the County will have to be updated, considering the changes since the previous Plan. Like the "Drinking Water Assessment", this section is broken down into six watersheds and then evaluates the significant municipalities or localities within each area. Updates should be made to this section where required. Stormwater complaint or maintenance issues will have to be addressed on a case by case basis.

Wastewater systems including current status, needs and future plans must be considered. Much of this planning will parallel the Water and Sewer Master Plan. Table 5.4 is used as a basis for the evaluation.

*Section 5.3.2- Identification of Issues-Public Sewer Systems-* This section is divided into Public Wastewater systems and other wastewater needs. Updating may be warranted here. Public sewer system maintenance infrastructure will also be addressed in this section. The Commission suggested that spill prevention should be addressed as an issue.

*Section 5.3.3- Point Source Discharge Limits-* This section describes the key limits on point source discharges of nitrogen and phosphorous as they apply to the counties wastewater treatment points. This section addresses; point source caps, TMDL's, anti-degradation, and other discharge limits.

*Section 5.3.4- Alternative Wastewater Disposal Options-*This section is broken down into BNR upgrades, other wastewater disposal alternatives. Table 5.5 shows the point source nutrient loads broken down by watershed. This section must be updated.

*Section 5.4 -Addresses programmatic assessment of nonpoint source policies, 5.5 discusses total nutrient loads and assimilative capacity and 5.6 addresses policies and actions. All three of these sections will have to be updated, as required.*

- 5. Next Scheduled meeting** –The next regular meeting of the Planning Commission is scheduled for **November 1, 2017**, in the County Commissioners Meeting Room, at **1:30 pm**.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

