

The regular December meeting of the Thurmont Planning and Zoning Commission was held on Thursday, January 2, 2003 at 7:30 p.m. Present were: Bryant Despeaux, Chairman; Bill Blakeslee; Commissioner Hooper; Jim Larochelle; John Ford; Shirley DePaolis; Rick May; Jim Gugel, Ross Smith III, Ross Smith Jr., Lee Miller (GLM Engineering), Carl Thomas (Thomas, Moore and Associates), Mearl McCleaf and Craig McCleaf.

Mr. Despeaux welcomed everyone to the December Meeting of the Thurmont Planning and Zoning Commission he stated they delayed the meeting due to the holidays. He stated the first item on the agenda is the approval of the October and the November meeting minutes. Mr. Despeaux asked for a motion. Commissioner Hooper made a motion to approve the minutes as presented. Mr. Blakeslee seconded the motion. Vote – all for. Motion carried. The next item was the Zoning Inspectors report he turned the meeting over to Mr. Brown.

Mr. Brown stated, “There were three (3) Zoning Certificates issued from November 22, 2002 to December 31, 2002 for one (1) Residential Addition and two (2) Residential Accessory uses. The total number of Zoning Certificates issued for 2002 is One hundred and ninety three (193), which compares to One hundred and seventy one (171) in 2001. Of these one hundred and ninety three Zoning Certificates in 2002 there were fifty three (53) Single Family Dwelling Units which is slightly higher than the forty eight (48) Single Family Dwelling Units total in 2001. Are there any questions? Mr. Gugel asked about the voided permits. Mr. Brown stated they were permits that were applied for but where disapproved due to the drought restrictions, they were for Single Family Dwellings and even though we weren’t taking any applications the builders insisted on submitting them and they were summarily disapproved and sent back to them. Mr. May stated the Water Ordinance allows for appeal of denial of Zoning Certificates and that’s what happened in this case.

Mr. Despeaux stated the next item on the agenda is the Site Plan for Gateway Printing, Inc. He turned the meeting over to Mr. Gugel for staff comments (see attached). Mr. May presented local staff comments (see attached). Mr. Lee Miller with GLM Engineering was present representing the applicants who were also present Mr. Ross Smith Jr. and Mr. Ross Smith Sr. He stated they had no problem with the comments and in reference to the access across the rear of the site it was his understanding that there is an agreement he will be getting a copy of that and making that available to Jim and the town. As far as the clean out they were unable to determine exactly where that clean out is coming into the building. They do know where the sewer line is and they will locating that during the construction and providing a clean out as requested. He stated as to an increase in employees at this time he stated that is not proposed. Mr. Despeaux asked if there is any bathroom facility or anything like that being added. Mr. Ross Smith Jr. stated there is going to be a bathroom facility in their, its going to replace an existing one. Mr. Ford asked if for some reason at some future time access is denied to the parking area what are the ramifications of that. Mr. May stated he would see it as a civil matter between the two property owners and from what they’re saying they already have an agreement in place now. Mr. Despeaux asked if there was any public comment. There was no response. Mr. Despeaux asked for a motion. Mr. Blakeslee made a motion to approve Site Plan – Gateway Printing, Inc. file number THSP- 02-2 subject to all agency comments. Mr. Larochelle seconded the motion. Vote – all for. Motion carried.

The next item on the agenda is the D& M Properties Site Plan. Mr. Despeaux turned the meeting over to Mr. Gugel for staff comments (see attached). Mr. May presented local staff comments (see

attached). Mr. May also routed to the board the comments on the Traffic Impact Study for the Mountain Gate Properties from ARRO (see attached). Mr. Carl Thomas with Thomas, Moore and Associates was representing the McCleaf's on the project. He stated he really didn't have any comments he concurs with staff's eight comments. He stated the Addition Plat tentatively will be coming through soon they were waiting on approval of the site plan. One correction he made with what Jim said regarding the water there were actually three buildings at one point one on each of the individual three parcels he stated he wrote a letter to Rick and he didn't know if he quoted two houses or three houses at that time we were debating whether to combine three lots in two or into one. As it stands now they are going to take all three and put them into one but they are in fact three taps to the property so there was in fact three houses. He stated other than that he had no other comments. Mr. Despeaux asked about the afforestation. Mr. Thomas stated on a property like this the County does not like to see such a small area be put into forest. He stated also it has to be a minimum of ten thousand square feet and he was not so sure that the triangular part in the back can be done that way. He stated they don't have a problem with the pine trees in the back but for the County's stipulation before it stated that it has to be ten thousand square feet minimum or thirty feet wide and there is a very small area that can do that so they will probably be doing a fee in lieu of or banking. Mr. Gugel stated that that still needs to be approved by the Planning Commission. Mr. Thomas stated he was unaware that was a separate item that had to be approved and had no problem with that he stated they will have that within the next month. Mr. Ford had a question on when the structures on those lots were abandoned. Mr. Thomas stated he knows two of them came down about seven or eight years ago. Mr. Thomas also stated the meters are still there and the town looks at it as if they would come in for a residential house they could apply for a permit and tentatively he wasn't sure if they would get issued a permit but they would have rights because the taps are paid for. He stated their letter to the town was that commercial use is going to be a lot less than what a residential house would be so there for they were saying they were making a swap of one for the other and he stated the town was already allowing for it in the computation for daily use. Mr. May stated historically they have done that in other situation where limited capacity charge has been extinguished and then connection is there and it's functional and they would allow another connection to be made without any additional charges. He stated it was in that group some time so they don't count that as additional usage and that was how they have applied it historically. Mr. Ford stated that Mr. Gugel is leaving the determination to the town. Mr. May stated he applied the Water Ordinance language to this particular situation under redevelopment and his rationale was and he discussed this with Gary Dingle if it was not going to use anymore than a residential use then it would be permitted, that's on the water lines. He stated the A.P.F.O. is different that's where the Planning and Zoning comes in so that's where they came from on that. Mr. May suggested given the circumstances as they exist right now knowing where they are with well levels being replenished to some degree with the possibility that we could augment the water supply that they would conditionally approve it with giving yourself some flexibility to say that we will go to a normal level and if that doesn't occur then it would not be approved, it would not continue to go ahead. He stated we are at a point where we are on a bubble with the water levels and finding new sources and he stated he hates to see things held up. Another conditional approval says that the developer will mitigate the circumstances and what he suggested is to use some flexibility as the Planning Commission and give conditional approval understanding that and even say that it would not be granted until we went to a stage two restriction or even stage one. A discussion continued on the water situation with the taps being currently on the site. Mr. Thomas stated it could be May or June before they even ask for a permit and they have no problem with a stage three he didn't

know what all the stages are he just didn't want to force it so far down before a permit can be issued. Mr. Despeaux stated he felt stage two would be fair since the existing taps are there. Mr. May stated something they may want to address in the future is the fact that currently in the A.P.F.O. you could actually approve a minor subdivision. It's exempt from the A.P.F.O. which basically even using 250 gallons per day, per minute would be 1, 250 gallons of water that wouldn't even come before you as far as the A.P.F.O. Mr. May stated the situation then would be that the language of the water ordinance would be the governing instrument since it would more restrictive. A discussion on water use by the shopping center was held. Mr. Craig McCleaf commented on the banking for the afforestation. He stated they do have some banking already he wasn't sure if its going to be enough they have a few acres of banking back behind the plaza. With no further discussion Mr. Despeaux asked for a motion. Mr. Blakeslee made a motion to approve Site Plan D & M Properties File number THSP-02-1 subject to all agency comments with the understanding that a Zoning Certificate can not be issued until the town reaches stage II of the Water Ordinance and settlement of the FRO requirements be made prior to the issuance of the Zoning Certificate either in banking or fee in lieu of. Commissioner Hooper seconded the motion. Vote – all for. Motion carried.

The last item on the agenda was the discussion of the Adequate Public Facilities Ordinance. Mr. Gugel reviewed the final draft with the changes made from last month with the board (see attached). The following were changes that were to be made to the draft to be presented to the Board of Commissioners:

- Under Article I, Section 5.0 – Definitions, (B) Rated Well Capacity will be changed to read 'The gallons of water that can be pumped per minute based on normal ground water conditions without adversely affecting the wells. (Based on 75% of MDE permitted pumping rate)' Mr. May will be checking with Gary on the correct wording.
- Under the same article they suggested the rated capacity to be changed to the actual capacity.

Mr. Ford made a motion to recommend to the Town Commissioners a Text Amendment to the Adequate Public Facilities Ordinance as presented by Mr. Gugel with the changes that were discussed at this meeting and to be confirmed by Mr. May. Mr. Larochelle seconded the motion. Vote – all for. Motion carried.

At the next month they will be doing the election of the chairperson. Mr. May also announced that Jerry Moore has notified him that he is going to have to resign from the commission, he has not yet submitted a letter making that official but he will be doing that.

Without further business to be discussed, the meeting was adjourned.

Respectfully submitted,

Rebecca E. Sharer-Long
Recording Secretary