

The regular meeting of the Thurmont Planning and Zoning Commission was held on Thursday, September 28, 2006 at 7:00 p.m. Present were: John Ford; John Kinnaird; Randy Cubbedge; Ray Williams; Sandra Hunter Denis Supercynski; Rick May; Jim Brown; Brendan Weeks; Dr. Jonathan Bramson; Susan Hilberg; Kevin Haney; Sabrina Massett and Olivia Myers.

Mr. Ford welcomed everyone to the September Meeting of the Thurmont Planning and Zoning Commission. The first item on the agenda was the approval of the August meeting minutes. The board decided to postpone the approval of the minutes until the next meeting. Mr. Ford then turned the meeting over to Mr. Jim Brown for the Zoning Inspectors Report.

Mr. Brown stated, "There were eighteen (18) Zoning Certificates issued from August 24th to September 27th 2006 for one (1) residential addition, nine (9) residential accessory uses, one (1) commercial accessory use and seven (7) Zoning Certificates with no inspection required. The total number of zoning certificates to date in 2006 is two hundred and nine (209) this compares to two hundred and twenty four (224) for the same period in 2005. Zoning Certificates have been issues for nine (9) single family dwelling units so far in 2006."

Mr. Ford had a question about the number of new homes applied for in Jermae. Jim stated they were eligible for twenty five (25) Zoning Certificates July 11th, so far they have only applied for four (4). Mr. Ford also asked about the status of the property at the corner of Woodside and Church Street. Mr. Brown stated he had no update on that.

Mr. Ford stated the next item on the agenda was a request for a Site Plan Extension for Catoctin Veterinary Clinic. Mr. Superczynski commented that the Zoning Ordinance states that you may grant up to a one (1) year extension for this, after which you'd have to come back. He also stated if zoning had not changed and everything was still as is you'd have come back and basically do your Site Plan but it would essentially be the same material that you brought before the Planning Commission before, if the zoning were to change subsequently and you hadn't begun construction within this next year of extension you'd be subject to if there were any new regulations that had come into effect and be subject to those. The applicant Dr. Jonathan Bramson stated he intends to get stated with the project this year, it's taken longer than intended, there have been various factors involved some of which have been cost involved to build a Vet Clinic over the past two (2) years, there were some health issues that delayed things a little bit so as time has moved forward the cost has gone up and they have to change things. He stated they are working on and they intend to hopefully be moved in with the next year. This request is for a one (1) year extension from the time of approval. Mr. Kinnaird made a motion to grant a one (1) year Site Plan extension for the Catoctin Veterinary Clinic starting October 28th of this year. Mrs. Hunter seconded the motion. Vote – all for. Motion carried.

Mr. Ford stated “At the last Town Meeting there was a request / challenge made to the Planning Commission by the Mayor and approved by the Commission and I think we should deal with that now. Mr. May do you have what was said?”

Mr. May stated, “We have not transcribed that. If I’m remembering correctly the Mayor tasked the Planning Commission to come up with a recommendation of a Planner. I think the Mayor had anticipated however the Planner would have a high level of expertise in stormwater management. Now I’m not sure that that’s the case.”

Mr. Ford stated, “For those who were at the meeting...”

Mr. May stated, “Excuse me that’s my recollection and certainly you can fill in...I think most of you were there.”

Mr. Cubbedge stated, “And it kind of seemed to shift to Planner / Engineer. We were more engineering than...that’s where I was confused I didn’t know exactly what he was wanting us and then we got back again to...”

Mr. Ford stated, “He prefaced his request with a lot of stormwater management concern and I think my impression was he meant a stormwater management engineer as opposed to a planner and I think either Mr. May or someone said don’t you really think you need a stormwater management engineer kind of person and...”

Mr. May stated, “In fact Mr. Ford I believe his question to me dealt with that and I was responding to his inquiry or his query and what I had heard I responded that an engineer would be the type of person that you really wanted for that as opposed to a planner.”

Mr. Kinnaird stated, “Does ARRO provide that kind of services?”

Mr. May stated, “Stormwater management or planning? They could do both but I don’t know if that’s what you...If you make a recommendation for a Planner and its to be a consultant type planner then I certainly would just make a recommendation nonspecifically and the same would be true for a stormwater management engineer. Once we have what that means to me from what I understand that the stormwater management requirements of the State is that we would then have to develop our own stormwater management ordinance.”

Mr. Kinnaird stated, “Above what the County had?”

Mr. May stated, “Not above in lieu of.”

Mr. Ford stated, “My feeling first of all on the planner situation we are very fortunate to have a an excellent County Planner supporting us leading us by the hand and I see no reason why we need an additional Planner for the town. In fact I think after looking at what happened to Emmitsburg they hired a Planner he left after about a year or so for whatever reason, they went back to the County and said we need...we want a county

planner to help us and the County said no. So if Thurmont decided to go off on their own for some strange reason we very possible would be in the same boat. We would have to pay somebody, that's a substantial amount of money that you would have to pay somebody separately so I don't think a separate planner is warranted."

Mr. May stated, "I think Emmitsburg in their situation actually went to a consulting firm for their planning after their planner left. As far as the stormwater management review I think it could be accomplished by getting someone that everyone is comfortable with to review concurrently with the County the stormwater management details."

Mr. Cubbedge stated, "My question is I know we talked about using ARRO or bringing in a consulting firm and an issue was this was to be an independent basically town run my concern is I don't think the town can afford something like that and..."

Mr. Kinnaird stated, "Certainly not on a full time basis."

Mr. Cubbedge stated, "Yeah and if we're going to hire a consulting firm I'd kind of like to know what we're wanting for that firm and truthfully can we have that firm...who's going to pay for it and say its built into the contractor or the builder I'm not sure who the person would be we require them in the site plan rules we want a consulting firm picked by the town you're going to pay for it but I want it known that they are still working for the town and I just don't think we can afford to have that amount of money, that's an expense."

Mr. May stated, "Right and if that were to be your recommendation I would suggest that you not have it...you don't change it every time. You have one firm who is basically independent of County operations or working within the County and if you have that person on board, or firm on board all the time and then of course the developer pays that fee."

Mr. Kinnaird stated, "But then that would only be on a per incident basis."

Mr. May stated, "Yes, as needed."

Mr. Kinnaird stated, "So it would be somebody that you may have to pay retainer to?"

Mr. May stated, "No, that's not what I'm suggesting."

Mr. Kinnaird stated, "It would just be an individual job each time you're requesting to do something."

Mr. May stated, "I would think it could be structured that way and I think firms would be out there that would be willing to do that..."

Mr. Kinnaird stated, "Just as a review, just to satisfy our curiosity and just to make sure everything looks right."

Mr. Superczynski stated, "There are towns in the county that do this already. I mean we probably have five different ways of the twelve municipalities, probably five or six ways actually of getting it done and some of them have part time planner or full time planner, some of them have planning services on retainer as well as engineering services provided by a single engineering group on an as needed basis you're not paying them every month to show up and not do anything so you might want to call around...I can give you the list because we just filled this out for some State form they submitted to us. So I got the break down of who does what if you want to call around and find out how it's getting done at least in Frederick County."

Mr. Cubbedge stated, "Rick what would we use as the I guess guide post then to call this agency in. In other words would you do this on a solo, say behind my house say that a person is going to put a house at that location would we require a engineer to come in and review that single site, will we require the engineer at a 5 site, commercial site, do we have to set guide markers so that someone would come back and say okay you told my company I had to have this done, my building project but B builder came in and we didn't require that person to do anything, do we need to put those parameters in?"

Mr. May stated, "I think what you developed in the Zoning Ordinance dealing with wet soils, water run off, all of those things could be reviewed independently and paid for by the builder and or the developer."

Mr. Ford stated, "And the wet soils the soils conservation district volunteered to do an independent review for us without having to be paid for it and on the...and also the County the County said they could review...if there are wet soils and the people propose to put a basement for example then the County wet soils people indicated that they would provide a service to us by reviewing that so it would be the stormwater management side but there is one caution here if the town gets in the mode of having its own engineer and if its own engineer puts a stamp of approval on something then the town is in the middle. Remember we added to our Zoning Ordinance provisions, requirements over and above the County for stormwater management and then we put in requirements similar to the County for wet soil. We structured those so that the owner would have recourse. The bonding of the contractor and the owner would have recourse. We didn't put the town in the middle for a reason because as soon as we get in the mode of saying...Marty was up here and said the County's spec's stink, that's what he said and we aren't going to come up with...if Thurmont tried to come up with specs first of all that would put us right in the middle because if we had different specs from the County and it didn't work then the homeowner can come back to us and say I'm suing you guys, you approved it. So I think we need to be very careful about how we use a consultant. If we have concerns about something independent of...in other words I don't think we ought to use a consultant to approve what people submit. If they want to give us advice fine but I would not put the town in the middle between the homeowner and the contractor."

Mr. Kinnaird stated, "I certainly wouldn't review everything but certainly there is situation whether it's questions that we had a satisfactory answer and we have someone

to fall back on to ask those questions to, to satisfy our curiosity I think that's what we should do but I agree with you we do not need a planner."

Mr. Superczynski stated, "You can also, the cell tower issue several years ago when the telecommunications act first came in a lot of communities were kind of stuck without local expertise on how the cell systems networks are set up and there were provision at least in the federal act for allowing communities to charge at the expense of the applicant to hire their own independent analysis to kind of see well you need the tower at that height in this position relative to your network and you could take that information and do with it what you please but there was no official stamp of approval on behalf of the town. It seems like this is kind of what your leading at. It also seems that if you need to set up bench marks again you go the policy route, come up with a policy for when you could call in or go for that external review to check someone and I would always on the conservative end I would say kind of write it in that everybody gets that review and then waive it on a individual basis so that you can essentially say no this is not something that appears to be a concern and its still going to be an issue of if something does go wrong somebody does come back and say why didn't you review that plan but I think you probably all have a good since of which projects are going to be the problems and which ones you are not able to look at on your own and assess whether something's going to function or not."

Mr. Cubbedge stated, "Now like John said if we bring in this consulting firm they approve it and...I agree with John I don't want the town to be in this liability factor we can't...go back in time we can't blame the County for the stormwater management pond not working if we at that time had something to say hey look it works."

Mr. Superczynski stated, "But you don't have them approve it you have somebody write up an independent...it's not even independent it's from our bias as a municipality."

Mr. Superczynski stated, "Its advice, its testimony..."

Mr. May stated, "It would be an additional staff report."

Mr. Superczynski stated, "I mean one way to look at this is continuing to go with the County specs if there is not discomfort with that then by not doing...by not taking on your own responsibility to go out and have it checked from our town standpoint its not doing anything to bring this...we'll get a solution here on what we're struggling with."

Mr. May stated, "On the plus side if we have someone doing it from our bias and the County is doing it they're all going to be looked at basically. They should be designed based on the State's standards and all that review was based on that and you know how that is so sometimes it's a matter of interpretation so if you have one interpreting it this way and another this way then that dialog needs to take place to resolve that interpretation."

Mr. Ford stated, "Okay, can the town ask the developer to provide a funding for that...our advice?"

Mr. May stated, "Surely. We could get a bench mark cost for different levels of review and that's what it would be. Surely that would be appropriate."

Mr. Ford stated, "Sounds like we're pretty well...how do we respond now? Do we need to draft up a response?"

Mr. May stated, "I think that would be appropriate. You may want to give yourself a little more time and see what other...as Denis said who's doing what in the county, how they're doing it just to make sure that you've actually done the homework that in my opinion should be done."

Mr. Kinnaird stated, "Maybe we could Denis then to email us with just some rough ideas about what some other communities are doing."

Mr. Superczynski stated, "The State documents, everybody...I think they do it every few years just to get a sense of who has planning staff and other engineering staff so they've put together a list and I want to say its every two or every three years so you could actually get access to Frederick, Washington, Carroll, Montgomery if you really want to see how to do it and then call around and see what people are paying to get idea of what the markets like for that kind of service."

Mr. May stated, "I can query the Municipal League to see what they have and they intern can...depending on how the Association of Counties and Municipal League are getting along they maybe able to query...(laughter)"

Mr. Ford stated, "So we would have time to maybe draft an answer and then consider it at our next meeting?"

Mr. May stated, "Right the only thing that I heard that I'm not that clear on was the study that would encompass the town as to water issues..."

Mr. Kinnaird stated, "That was brought up by Mr. Mackintosh's..."

Mr. May stated, "Yeah and I don't know that you could push that off on a single developer. So that's something to consider in your response I think to the issue at least that's what I heard."

Mr. Cubbedge stated, "He wanted a comprehensive survey of the drainage problem."

Mr. Ford stated, "Because at that hearing we had a number of people at our hearing but Radio Lane wasn't...that was the first I heard that Radio Lane was problem."

Mr. May stated, "Well the people from Sunset that all comes that same way so they're may have been an assumption that you understood that because it all comes basically that same way down through there."

Mr. Ford stated, "I subsequently found out there has been a water problem between the...just where Woodside goes into Carroll and around the corner the..."

Mr. Kinnaird stated, "Well that's a flow problem underneath the railroad tracks."

Mr. Ford stated, "No, no, no before it gets to the railroad tracks."

Mr. May stated, "That's adjacent to Sunset Street and that other area but it all comes down in the back of the properties on the left hand side of Radio Lane it all comes back through there around Mr. Rice's property and comes basically from Emmitsburg Road all the way down to Woodside."

Mr. Kinnaird stated, "Right along side Mr. Stevens property."

Mr. Ford stated, "Right apparently there was dry ditch that was working and then somebody did some landscaping."

Mr. May stated, "Exactly something like that I think. But I see that as a totally separate issue."

Mrs. Hunter stated, "Sort of related but not necessarily Marty was talking about the County's thing stinking was he kind of...because of our situation they're all just saying well it met the County specs or whatever that its just not stringent enough is there something that we as a town...is that part of the problem that the County...Its like minimum Government standard..."

Mr. Ford stated, "Well I think as Rick said its actually State specs."

Mr. May stated, "Again that much like other things from...its much like EPA or any federal agency going through State they will give you minimum standards then you can expand on that, make it more stringent if you like. We can not go below that so basically what we're looking at now."

Mrs. Hunter stated, "Okay so we could assuming the situation...if you needed to make something more stringent based on our experiences that...it has to met ours as well."

Mr. May stated, "I think in that particular case then you're looking at your ordinance and then..."

Mrs. Hunter stated, "Well is the County in a liability position?"

Mr. Cubbedge stated, "Well but the County said it met their standards even though we..."

Mr. Ford stated, "I don't know if anybody sued the County to find out."

Mrs. Hunter stated, "I guess that's what I'm saying so we don't want to be in a liability position but..."

Mr. May stated, "We're always in a liability position."

Mrs. Hunter stated, "Right but they met the County standards but nobody seems to be suing the County so..."

Mr. May stated, "Nobody has sued us."

Mrs. Hunter stated, "What?"

Mr. May stated, "No one has sued us either."

Mr. Ford stated, "But if you remember we changed our ordinance to say that if there is damage to adjacent property from a stormwater pond then the developer, the person who built the pond is responsible."

Mrs. Hunter stated, "I guess where I was confused when you were saying they didn't want the town I though well can't we make them more restrictive. What it is is the County's standards are not enough and we've done that, we've done what we can do the...is to go beyond that."

Mr. Kinnaird stated, "The problem then is we would have to answer if our standards weren't sufficient because you're always going to find a situation where regardless of what the standard is there is always something they...with those standards and I agree with John I would never want the town in a position where we had approved something and then someone came back and hold us responsible."

Mrs. Hunter stated, "But this is a little different where we're having someone actually attest to it."

Mr. Kinnaird stated, "Well they're not attesting to it but I think they're just giving us a little more back up and a little more knowledge..."

Mr. May stated, "And Denis maybe able to shed some light on the workings of the County and if I'm incorrect or not quite accurate Denis..."

Mr. Superczynski stated, "In terms of the standards for stormwater the best standards are performance standards for engineering. If you want something that holds somebody to the final product rather than setting up specifications you think..."

Mr. Ford stated, “How to do it.”

Mr. Superczynski stated, “Right. I tell you in the three places I’ve worked where I’ve spent the most time each one of those places have had a...stormwater issue. My last time in Massachusetts there was a weird situation where we had to require a stormwater calculations to be done at an extreme standard. We had every engineer walk through the door and tell us there was no way that we could...that we were insane for requiring it but the particularities of the site that sandy soil, water tending to sit in the late spring does it hold semi frozen water you get a spring rain storm and all of sudden you had the equivalent of 200 year flood event and another place with kind of clay soils and the way they are situated on the ground it caused cooling in strange places that it didn’t meet any of the accepted patterns for the way water moved. These things happen and I keep getting the exceptions in places where I’m working so...I can also say to that there are planners who do stormwater management that come from that environmental planning, environmental engineering background they’re just very rare, but you can find people I worked with somebody 10 years ago who did precisely that.”

Mr. Ford stated, “I think that would be a much larger jurisdiction to be able to afford...”

Mr. Superczynski stated, “Yeah, he was working at a regional level.”

Mr. May stated, “On the other they’re maybe firms out there that would have people staffed and ready to accommodate both if that would be your desire a planner and then someone who has expertise in...so...I’m not sure but that’s up to you I think your charge is to make a recommendation I think it would be up to the Board of Commissioners to fulfill that recommendation to either precede or not and they intern would have to make that determination since they basically...”

Mr. Kinnaird stated, “Well we could suggest that they get a third party that’s not currently working for the town to be independent or would you recommend...would you feel comfortable using the firm we already have or would you...”

Mr. Ford stated, “I don’t see why not we’re just getting advice as opposed to...”

Mr. May stated, “Again I would be nonspecific. I’m not sure what the issues are at this time so I think...”

Mr. Cubbedge stated, “I’d like to ask though if we make the recommendation that we do maybe push it to the commissioners to investigate on their side instead of picking group A, he’s only responsible for environmental planning where maybe firm B has not only do they have a group that’s specific stormwater management oriented they do a little research also and try and get the biggest...”

Mr. Kinnaird stated, "You may also find you have to go to a different firm...Do we need a motion to investigate further or do we just..."

Mr. Ford stated, "I heard we're pretty much in agreement on the approach I'd be glad to draft something up for the next meeting so we would have something very concrete to go over and change."

Mr. May stated, "And in the mean time we can do a little homework and get you some information out as to what's out there and certainly if its going to be in draft form Mr. Ford they you would have the opportunity to improve some of that or change your recommendation."

Mr. Cubbedge stated, "I have a question I just want to put generally out and maybe Rick...it seems that that section of town where this Stonewall Acres, Radio Lane working into Pleasant Acres seems to be our major water issuish area am I correct in..."

Mr. May stated, "No sir not correct..."

Mr. Cubbedge stated, "Okay we do have other areas."

Mr. May stated, "Anywhere in Thurmont. In fact you're invited to after meeting if you'd like to come by 112 Catocin Avenue which is town home with 2 sump pumps and still gets water. The area out there across from the High School when that was developed there were springs all over the places there was already a wetlands area there. The town homes on Rouzer Court which is up by between the railroad and 15 those were constructed with water actually running underneath the slab with stone so that it would flow through and that's the way it was constructed and they have not had a problem. Homes out there sometimes you'll get water it depends on the springs. Springs are all over this town. The area across from Stonewall Acres has historically been underwater. All that area in back which floods was shown on the plat as a stormwater easement, wetlands easement and a forest resource so but it's everywhere and then that water comes down through the other area which you heard I think the other evening soils just don't allow it to do much and it's flat so its just going to eventually sheet and eventually seek its own way but it takes time. Everywhere in town. You heard Mrs. Hunter say that whoever built that home built it on a little hill but occasionally they get water."

Mrs. Hunter stated, "We get runoff from the Bean's next door because they're a little higher than us but occasionally yeah. Delores swore that the basement never had any water in it but I can see it on the basement walls where there was, we get a little bit, not much."

Mr. May stated, "So I would say it's a town problem."

Mr. Kinnaird stated, "It's a town wide problem, it's not a town problem."

Mr. Ford stated, "Okay if that's it for that discussion I understand we have a little old business to transact here. Mr. Superczynski would you care to explain it to everybody."

Mr. Superczynski stated, "Okay the folks who were handling Orchard Hill Subdivision up there I think they were creating a new lot or maybe combining a lot had submitted a plat probably in 2003 to the Planning Commission and it was...you looked at in notes regarding the plat were that it was fine except that they had missed a zoning designation, they miss designated something on the plat and you ask them to correct it and 3 years later they have corrected it and they've submitted it back in June and I not understanding how the process worked I assumed that I was getting kind of the end of line drawings not the ones that needed to be signed so I'm bringing them to you tonight."

Mr. Ford stated, "Okay normally we don't even bring that up a commission meeting..."

Mr. May stated, "No..."

Mr. Ford stated, "I mean if there is a condition put on the approval and the condition is met the town staff reviews it if it's met then I just sign the..."

Mr. May stated, "That's correct."

Mr. Superczynski stated, "I brought it up because I goofed and it sat there for 3 months and I didn't want them blaming the Planning Commission basically."

Mr. Ford stated, "Next item is growth policy discussion. I thought we kind of agreed we were..."

Mr. Superczynski stated, "Yeah I think what we decided at the last meeting was that I was going to draft up something based on the 2 or 3 conversations prior to that based on what you had submitted."

Mr. Ford stated, "Do you want me to talk about the water first?"

Mr. Superczynski stated, "Yeah."

Mr. Ford stated, "At the last meeting I had mentioned that Gary had indicated there were some problems associated with once we start moving out beyond the town limits as far as water was concerned and so I met with them yesterday and I think I have an understanding of his concerns. I don't think there is any show stoppers here that says you can't go beyond the town boundary in certain areas but there are some considerations to think about. First of all I was not aware but the town water system is not at a totally interconnected system it's a zoned system. We have 3 zones a low pressure zone which is in this part of the town and then 2 high pressure zones up in this part of the town. They can't be interconnected because if they hook up...you need the high pressure zones in these areas to supply enough pressure to the customers. If you put that pressure down in this area down in this area you'll start blowing pipes and causing all kinds of problems so

they need the separate zones. Now in this part of the town the wells that are connected to this zone have a very good capacity, there is plenty of water available for expanding to the south. The problem is storage in order to have enough fire flow and that kind of thing you have certain criteria on how much water storage and right now according to Gary they're pretty close to the limit so any development south of town would require probably a new storage tank and it's something that the town if we approved a new development south town would want to ask the developer to provide that. Sewage in the south of town, sewer system we already have I think its 5 pumping stations in the sewer system. Pumping stations on sewers is not a desirable situation however there are certain areas that in order to get the sewage to the sewage treatment plant require a pumping system. There is one in Bennett Estates, there is one that services Orchard Hills and McDonald's and there is a pumping station right next to the main sewage treatment plant line to lift the sewage from Orchard Hills and McDonald's and all those Pizza Hut and all those places to get it up to the level of the line going into the sewage treatment plant. Jermae Estates, I think there is one other but I can't remember...Apples Church. Okay so in a development here probably or possible could require another pumping station its not...we have them now it's not a huge deal but it's just something that might be required it's not desirable. As far as going north according to Gary we had plenty of storage capacity up here but we are pretty close to the limits on well capacity so if we expand northward we would need to ask the developer to provide us a new water source basically, a well. As far as sewage is concerned the feasibility of getting sewage from this area to the sewage treatment plant is probably...it's just probably not feasible. The lines that they have, the sewage lines that they have through town would not be adequate to carry the material, you'd have to have a pumping station to start with but the lines would not...and to put new lines in through town would be extremely expensive, they've been working across from my house there for a month and a half on maybe 80' of...so you would require a separate pumping station from the town's staff standpoint that would be very undesirable because it would be very costly to maintain to. MDE is coming in and requiring upgrades periodically because of bay requirements and so on they'd have to be upgraded both at the main plant and a new plant. So again it's not a show stopper it's just that it would be undesirable, very undesirable. So that's basically what he reported. The other thing that he did talk about I don't know if you've noticed in the existing Master Plan but there is quite a discussion on well head protection and it talks about a future well head protection plan and they've been working, they had anticipated to have originally I think and Mr. May may correct me if please on the history here but originally it was going to be a Thurmont well head protection plan is that your understanding?"

Mr. May stated, "That's correct."

Mr. Ford stated, "And apparently then the County started working on a well head protection plan and asked the communities if they wanted to get involved because one problem is some of our wells are right at the border. We don't control what goes on in county property so our well head protection plan would be incomplete because we couldn't control as things that influence our wells out in the county so the county invited the municipalities to join them and there apparently getting pretty close to having a plan that both the county and the municipalities agreed to so we are getting close and Gary

was going to get me more information on this draft plan. The reason I bring it up now is because it very possible will have an impact on I don't know if its our zoning regulations certainly on designated uses for certain areas and Denis maybe you can help me on that but if you'll look at each of the wells here the county in their plan will have 3 zones around each well the first zone called zone 1 you can see vertical lines here, that was the zone where you want to regulate the usage. You would not want new...I mean we'd have to grandfather in what's there we can't tell the people to go move their gas stations and so on but you would not want gas stations, people that handle hazardous chemicals that kind of thing in those areas. Now the county has actually done studies using geotechnical people to determine the zone of influence for each well and it depends on the geology in the area and as you can see some of these wells which are right on the border it goes out into the county so that's zone 1. Then there is a second zone which is larger and on this map it goes kind of like this which they will have some minimal requirements on. In other words water from in this area could get to these wells I can't remember the time frame within a year or something like that and there is some minimal requirements on that and then there is the third zone which as you can see goes all the way up the mountain to almost Wolfesville I guess and what they're saying is water from here eventually could get down to here but I think they're basically minimal requirements that will be imposed in that area and we're very fortunate to have the park between us and some development up at the top of the mountain. Any questions?"

Mr. Cubbedge stated, "You're talking the pumping stations that we have for the sewer?"

Mr. Ford stated, "Yeah."

Mr. Cubbedge stated, "I know when you speak about sewage capacity for the A.P.F.O. or what our current sewage capacity is that's the actual plant itself it doesn't have anything to do with the capacity that those pumping stations are pushing the sewage to the plant..."

Mr. Ford stated, "That's right."

Mr. Cubbedge stated, "Is there something that as you say now we may have to...you have to have these pumping stations, its not good to have them and I understand is there something we can do to regulate that say the plant is working well at handling the sewage capacity but the pumping station isn't handling it being able to push it at a good volume or whatever do we have a way that we can then say you can't do anything until that gets fixed."

Mr. Ford stated, "Well I think what Gary would be saying is if the new development is proposing to come in lets say south of town where its low there would have to be an engineering evaluation on whether a pumping is needed and then if there is then the developer would be required to put it in and put in a certain...and in fact Gary was saying you know the pumping station that takes care of Orchard Hills and McDonald's and so on is about at capacity so if anymore development in that area you wouldn't have to

necessarily put in a new pumping station you'd just have to probably upgrade the one that's there to a higher capacity and we would want to require the developer to do that."

Mrs. Hunter stated, "Now once these stations once you're using them down the road who's responsible for their maintenance up keep..."

Mr. Ford stated, "The town."

Mrs. Hunter stated, "The town so the town has to take that over."

Mr. Kinnaird stated, "That's long term infrastructure just like the sewer lines once they turn them over to the town they're the town's problem that's why you want to make sure it's done right the first time."

Mrs. Hunter stated, "Well I have several properties that had to use pumping stations and when they fail it's a big expense."

Mr. Ford stated, "Well that's what concerns me I mean you have two pumps but..."

Mrs. Hunter stated, "We have a property in Eldersburg that one pump was gone and the other pump went out and so they had someone coming twice a day to pump it out because they couldn't get the new pump there for 2 or 3 weeks. I mean it was...(tape change)

Mr. Ford stated, "...you mean the life of the equipment?"

Mr. Cubbedge stated, "The life expediency of the equipment the pumping station its self I mean..."

Mr. Ford stated, "I didn't discuss that with Gary but normally you replace a piece of equipment after it's..."

Mr. Kinnaird stated, "Pumps like that I would expect 5 years at the maximum."

Mr. Ford stated, "Yeah, Rick do you have any..."

Mr. Williams stated, "I believe that the pumping stations that have been put in recently like Bennett Estates would be designed not to be carrying a bunch of...its designed to handle that section, the builder had to put it in. Again he put in...25 home there you need to design it with a specification of 30 homes and that's as much as its going to do its not designed to be built onto its going to have to be added onto another pumping station to it but the equipment there's got to be a standard on how long they're saying that its designed for."

Mr. Ford stated, "And I'm sure it's got a maintenance...all this equipment you go in you have to replace bearing, and maybe...and the whole bit."

Mr. Cubbedge stated, "I'm just wondering if this comes down the road do we have the ability to say to the builder we want...say the pump is good for 10 years we want you in escrow for 4 repairs of that pumping station so the town isn't responsible for that pumping station."

Mr. May stated, "Actually we take a little different approach we typically ask for a spare pump. Its difficult to say what will go wrong and when."

Mr. Williams stated, "And they have back up generators and everything else to them to. The one out by us has to be lit everyday...and it has to have a back up generator run on propane that has to kick in that is sufficient to run their pumps for days if there is no electricity because without electricity say...a lot of engineering into and computer parts that could go wrong to..."

Mrs. Hunter stated, "But your point is can we use that as part of our criteria when we're approving or denying something."

Mr. Cubbedge stated, "Yes, if we're approving an additional...I mean we've always talked the I & I we're talking mostly you hear about the sewer lines and the sewer facility we don't hear and this is...pumping stations also..."

Mr. May stated, "Well and that's because that's always addressed at the improvement plan stage which you are divorced from. That's a public works function."

Mr. Ford stated, "And then the town staff recommends on approval..."

Mr. May stated, "We basically will inspect and approve all of the infrastructure going in before any money is released from that letter of credit...the lines are tested, the pumping stations are certified, other certifications are met."

Mrs. Hunter stated, "So that's not our function, I mean we don't need to get involved..."

Mr. May stated, "I wouldn't think so."

Mr. Williams stated, "I know the County has to be involved because you can't get your occupancy permits for the building that are attached to the pumping station until it meets all the standards at the County. I waited 6 months to move into my house after it was done because the pumping station didn't have a back up generator so we had to actually move in 2 days earlier before the...came, had to run a diesel generator go down there and check it...so you can't get your occupancy permit until you get that pumping station..."

Mr. May stated, "The building permit process is covered by them so there are additional safe guards put in to ensure that its...and guess we get back to the level of trust if you will as to who's inspecting these things that they're doing that properly."

Mr. Superczynski stated, "John did Gary say anything about the industrial areas, I mean where does that fall...did he say where that falls in terms of the requirement for pumping sewage. I mean I know we have relatively low water and sewage use from those existing..."

Mr. Ford stated, "He didn't indicate a problem sewage wise but that would fall into the storage...no excuse me the well...I mean if we expanded in the industrial side we probably would..."

Mr. May stated, "Again that being a function of what type of industry went in there. You could have an industry go in that would have minimal water use."

Mr. Ford stated, "That's right."

Mr. Cubbedge stated, "I know Mr. Tyler always makes a comment about the aquifers again we're referring the wells that we have do we know do they all work off the same aquifers do we have any idea of knowing that?"

Mr. Ford stated, "The State has done a study on the capacity of the various aquifers throughout the State or ground water resources throughout the state this area has a surprisingly large amount of capacity compared to what's being drawn at the present time however, most of this area is called fractured stone or fractured shale and its hard to get the water out. Most of our wells...what they do is they try to locate fractures in the stone. When they're going to put in well especially at the intersection of 2 fractures so that they can put the well where the rate of water seepage into that area is reasonably high the problem...you know when we had our drought the problem was not necessarily that the aquifer was inadequate it was just getting the water to the well area. Obviously if an aquifer was down some but according to the state this area the aquifers are not concerned but..."

Mr. May stated, "And the state also requires every time a new well is put in the state will require a draw down test measured against the existing wells to see if there is any interconnection which obviously could be a problem and if there is a interconnection typically they don't use it. Now I won't say that on one or two of the newer wells there are neighbors have said they have experienced some draw down and that regulates the pumping rate of the well that we are trying to use."

Mr. Ford stated, "Okay Denis I think my little spill leads into your Master Plan."

Mr. Superczynski stated, "What I handed to you this evening is basically a revised version of the 2004 map that Sandra provided me last it saved a bunch of time in this analysis in trying to look at each of the properties that were identified in the 2004 vacant land study in an attempt to come up with some kind of number we can all be comfortable with for the the amount of vacant land that we have remaining within the town borders number two the amount of vacant land within the existing growth boundary area and number three the number of...the yield in terms of the number of homes and from that

number of new Thurmont residents that you might expect should those areas be built out and following the directive last time not get really crazy in terms of looking at all the sites I didn't do that, I didn't go into graphic detail on some of the redevelopable sites although it is worth noting that just at least monthly we get a request a concept, somebody calling in to talk about a potential development on some land that just comes out of no where from my prospective since I haven't been here very long comes out of nowhere as being a piece of land that I was never looking at in terms of it's development potential and low and behold you look at the zoning and you look at existing homes out there and you realize you know what those two homes come down all of a sudden they have 7 developable lots right in town. So there are a bunch of those kind of floating around out there whether we realize it or not. We some with some fairly intensive zoning designations as well. I don't think we have anything on the R-5 end of things but we certainly have a few R-2 which again I think goes down to 6,000 square feet perhaps or 8,000."

Mr. Ford stated, "8,000."

Mr. Superczynski stated, "You can do...and in a couple of cases where we have existing homes you can convert them to 2 families plus build new homes on rather small lots. We have a couple instances where we have some...streets which just from a kind of drive by assessment in some cases could actually function as a roadway that you if you wanted to kind of extend the town patterns so we do have a bunch of those in there so I'll start off by saying that whatever we come up with in terms of numbers for our projections for our vacant land sites and ultimately, hopefully you'll use these numbers as the basis at least to some extent for you decisions on the future growth boundary that we do put in a conservative number for those infill lots just to cover ourselves because it really could happen and if the commission goes down the route of constraining the growth area outside the existing limits to any extent you'd really have to be careful about those infill lots because they suddenly take on an importance that they might not have had and again I don't think we have anything that is not on this map that would surprise, give us 50 new homes but we do have a bunch in that 3 to 10 area which again looking at the numbers that we've been talking about could be anywhere from a third to half of our years conceptual allocation for comfort level in terms of new homes. So what I've done with this is I've basically gone through and marked up the 04 map. I took the subdivisions that have been developed since 04 or had been built out. There were a few pipeline subdivisions like Pleasant Acres and Jermae which I've taken out of the mix in terms of doing the map and those are shown on your maps I think they kind of faded out there kind of a faded yellow with some hashing through them. There is only a few of those. I've added a few pieces that were not on the 04 map that I think are developable because of their location. We had that one subdivision headed out towards the Primary School the 2 or 3 lots, really small kind of triangular piece of land I put that on map just again to kind of demonstrate that there are 2 or 3 infill lots that perhaps nobody had ever expected and further down the road the little piece of land south of Mr. Free's property I think it's his brothers property on the front really if you look at that land in concert with his other parcel that are still vacant within the growth area but not within the town limits it does make for sort of a larger piece and certainly it opens up the access to that land or those

parcels. So what you're looking at on this map the blue parcels are essentially those that are vacant or primarily vacant within the growth boundary but not within the town's boundaries. The other parcels the orange or yellow are those that are within the current town boundaries of Thurmont and they are you can see my scribble in numbers on there those numbers reference this chart that you have in terms of looking at the area, how big it is, what its current land use designation is either on the County side or the town side. For the properties that are in the municipal growth area that are not within the town I'm showing you on this chart the existing zoning and the existing land use designation as they exist in the county but I'm also showing you the town's land use designation so you can get a sense of which ones would be in start conflict from the get go. There are a few areas there that don't jive."

Mr. Ford stated, "At the meeting the other night land use designation I think most people don't understand land use designation, I don't understand it very well, I don't know how everybody else here feels could you in 2 minutes tell us what land use designation means as opposed to zoning."

Mr. Superczynski stated, "Sure, everybody is familiar with zoning which is basically the law that is passed by a jurisdiction with Planning & Zoning power telling you what you can and what you can not do with your land and any of those restrictions and they can range from how much of a side yard, how many feet back you have to be from an...building, whether you can have a business with 55 employees or just a home occupation, whether you can have a sausage plant or an orphanage or a church and zoning basically sets out those rules. Most people are fairly comfortable with that. The land use designation is a tool that we use in the comprehensive planning phase that sets the stage for zoning. So if you're looking at...it's a future designation, the easiest way to describe it is to say that this is the pattern of development that you would like to see ultimately in the town at least for the 25 years out look that we have for the plan. So it gives you intermediate step instead of...if you were just to sit down with the map, take all the...goals and objectives we pull out of our hats for the town's Master Plan and then sat down and started to try to do zoning it would be very confusing number one because zoning isn't very clear to begin with, number two zoning doesn't always get at land use because you are talking about it a bundle of uses and it's like going from having an idea about how to build a vehicle to sitting down and trying to design, engineer it without kind of going through some of the intermediate steps of determining how big of a vehicle do I want do I want it to be internal combustion engine, do I want it to be...this is where your at now with land use designations is basically saying here's a broad category, a generalized use pattern for the town and ultimately we'll then apply the zoning and look at how best to use our zoning tools to achieve the goal of making a land use occur in the way that we planned it."

Mr. Ford stated, "So land use designation within the town boundaries is set by the town."

Mr. Superczynski stated, "Yes."

Mr. Ford stated, “The land use designation outside the town boundary but possible within our maximum growth boundary is set by the County?”

Mr. Superczynski stated, “By both of you. The town has its designation so for instance we have this area down her the Lawyer farm its designation low density residential by the town, its also low density residential designated by the county. There is a situation where they’re completely in sink. Even though the county’s low density residential is a little bit different from the town’s its basically the same thing and there would not be generally considered to be a conflict with those two so when it came to annexation if the town was in favor of an annexation where there was no land use conflict it would not be an issue. That only becomes a big issue when there is an annexation request where there is a conflict between what the county had planned ultimately for a piece of land and what the town plans for that piece of land. So for instance the county might look at a piece of land and say well ultimately we see that becoming general commercial land and the town might think no that’s medium density residential land we think should we eventually annex that piece and you could have that conflict and what happens is if the county does not grant a waiver at that conflict there’s a 5 year mandatory waiting period before the town can change the zoning on that annexation piece and a lot of times that in effect kills an annexation request if somebody is going into it with the need to begin development quickly.”

Mr. Ford stated, “And there was a change made recently to that wasn’t there? The 5 year rule...”

Mr. Cubbedge stated, “Usually the county will unless its something really, really hard nosed they tend to the town.”

Mr. Superczynski state, “In the last couple years it seems to be the case. Its’ set up that way to protect essentially county residents who maybe making plans about their property in anticipation of a certain land use being in place for a number of years and what it does is it kind of sets the stage where the county can at least slow the change the down a little bit give a folks a chance to figure out their next move or...so it’s a protection where you might have a really strong conflict.”

Mr. Ford stated, “Incidentally your comment at that meeting about someone who is contemplating purchasing the property or...to go and get, look at the comprehensive plan and see what the land use designations in the area are was very good I mean I would never have thought of doing something like that plus looking at the plat because some of the plats have like where the water problem is it was clear on the plat if the people looked on the plat before they bought the property they would have known...”

Mr. May stated, “And I think that’s happening more and more. Becky correct me but we’re selling a lot of Master Plans which has both the land use designation and the zoning and maybe what we could do a little later or when we have some money basically you’re talking an overlay and it might be good to take the zoning map and overlay it with

the land use designation which would show what the land use is proposed within the boundaries as well as the municipal growth boundary.”

Mr. Superczynski stated, “There could be a good composite map for helping people kind of sort this out its very difficult I mean even going back in forth and doing an exercise like this you basically have 3 or 4 maps spread out or on your computer and you’re flipping between them and hoping your brains on the right track when that particular moment comes where you want to look at the designation and when you get to the point where the county and the town both assigned a designation that gets very confusing but what I also should have said following that comment...I should have also said that in addition to folks who are out to buy property or out to buy a home doing their homework and looking at the existing plans they should also take part in the process...in making the plans happen. I mean really is sad people put more effort into buying a television or a DVD player or ipod more than do in their homes sometimes in terms of the background information.”

Mrs. Hunter stated, “Now the low density and medium density that corresponds with out definition of what low density, medium density or is there a standard?”

Mr. Superczynski stated, “There is different standards. The county standard is slightly...our low density is kind of on the high end of the county’s low density, or the low end of the county’s medium I guess. They’re different situation but looking at large rural areas and the town is looking at a very compact town, I don’t want to say urban but a village or a town based pattern so they’re different from the beginning but in terms of that conflict coming up like if the county had it as low and we have it as medium there isn’t an exact correlation there but I think the argument would be that they’re pretty close.”

Mr. May stated, “I think it would be consistent where as if we had it high density residential, they had it commercial or industrial then you’d have some inconsistencies. And I think by having our plan done before the county, our regional plan as you’ve said many times Denis the county will have the opportunity to look at our land use designation and the growth area or maximum growth boundary and see what they can do to make that consistent.”

Mr. Superczynski stated, “Yeah again we’re starting with the deferral to the town for those areas and unless something is completely outrageous odds are that that’s what ends up sticking and that we would find categories of land use designation that follow the towns so that there wouldn’t be that...so this chart makes complete since to me but it’s very confusing probably...”

Board reviewed and discussed the attached Vacant Land Build out Estimate sheet, the draft vacant lands map, ideas for the Municipal Growth Boundary and zonings (R-1, 2, 3, 4 & 5). Another Master Plan Workshop is scheduled for the Planning Commission on October 19th at 7:00 p.m. at the town office. No public comment will be taken.

The next Planning & Zoning Meeting is scheduled for October 26th .

Mr. Kevin Haney had a question on when the public will first get a copy of the draft of the Master Plan and when would the first public meeting be for public comment on that. Mr. Superczynski commented there will be workshops for the public to review and comment on the draft copy once it is ready and then there will be a public hearing on the final copy. Another mailing will be done to notify residents of the next public workshop on the Master Plan they will also be sending emails to people who attended the previous workshops to notify them as well.

Mr. Haney also asked for copies of the annexation petitions that have been submitted, Mr. May stated he would check with the town attorney and if its okay copies of the petitions will be available for the public to pick up tomorrow.

With no further discussion, the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Rebecca E. Sharer-Long
Recording Secretary