

The regular meeting of the Thurmont Planning and Zoning Commission was held on Monday, December 20, 2004 at 7:30 p.m. Present were: John Ford, Chairman; John Kinnaird; Randy Cubbedge; John Woelfel; Commissioner Muth; Jim Gugel; Rick May; Jim Brown; Shirley DePaolis and Michael Cahak.

Mr. Ford welcomed everyone to the December Meeting of the Thurmont Planning and Zoning Commission. He stated the first item on the agenda is the approval of the October meeting minutes. Commissioner Muth made a motion for the minutes to be approved as presented. Mr. Kinnaird seconded the motion. Vote – all for. Motion carried. The next item on the agenda was the Zoning Inspectors report. Mr. Ford turned the meeting over to Mr. Brown.

There were twenty five (25) Zoning Certificates issued from October 26<sup>th</sup> to December 13<sup>th</sup> 2004 for one (1) Single Family Dwelling Unit, six (6) Residential Additions, sixteen (16) Residential Accessory Uses and two (2) Commercial Accessory Use. The total number of Zoning Certificates issued to December 13<sup>th</sup>, 2004 is two hundred sixty five (265) and this compares to two hundred fifty three (253) for the same period in 2003. Zoning Certificates have been issued for nineteen (19) Single Family Dwelling Units which compares to ninety seven (97) for the same period in 2003. The final 2004 report will be given at the January 2005 Planning and Zoning Meeting.”

Mr. Ford stated the next item on the agenda is the Addition Plat – Guardian Hose Company. Mr. Ford turned the meeting over to Mr. Gugel for the staff report (see attached).

Commissioner Muth stated, “Jim I know I talked to you about this on the phone and I guess I didn’t quite understand what you were saying the stream buffer ordinance is going to preclude them from using this to expand the building?”

Mr. Gugel stated, “Well I don’t know I guess until we have Rouzer Run delineated on there with the flood plain I mean I can’t say for sure whether the expansion would be precluded but I know the 100 year flood plain if you look at the FEMA map it’s pretty big through there actually because it’s so flat. In fact it wouldn’t surprise me if a good chunk at the carnival grounds is in the flood plain as well so yeah that would certainly have an impact on their ability to do the expansion even I mean obviously if all this area is actually in the flood plain then their basically out of luck irregardless of the buffer requirements but depending on where the stream is and with the flood plains delineated I mean if you had a fairly narrow band then they maybe able to do it but I haven’t looked at the flood plain map but from what I can recall a good chunk of this all through here is likely in that 100 year flood plain.”

Commissioner Muth stated, “And the whole reason they wanted this was to expand the activities building.”

Mr. Gugel stated, “Yeah that’s my understanding.”

Mr. Kinnaird stated, "So the left hand edge of that hatched area is that actually the stream line?"

Mr. Gugel stated, "I don't know. I'm not sure exactly where the stream is in relation to the parcels there."

Commissioner Muth stated, "I don't know for sure but my recollection is it kind of goes along this line here, up through here because the park is over here right."

Mr. Kinnaird stated, "But the town also has a little piece of park land here to."

Mr. Gugel stated, "There's another sheet here if you guys got this handout proposal yeah so it does at least according to this have the stream kind of right up kind of along the edge of the...kind of just staying right along this edge here outside of the addition area and depending on the scale there it's going to be close."

Mr. Cubbedge stated, "Did they request inquiries to why they want to add to the rear of building instead of to the side of the building?"

Mr. Gugel stated, "I don't know I guess we'll maybe hear from the applicants here maybe they could explain kind of they're plans and what they're looking to do."

Mr. Ford stated, "Any other questions for Mr. Gugel?"

No response.

Mr. Ford stated, "Mr. May town comments please."

Mr. May presented Town comments (see attached).

Mr. Ford stated, "Questions for Mr. May?"

No response.

Mr. Ford stated, "Okay is there anyone representing the applicant?"

No response.

Mr. Ford stated, "I guess we won't get an answer to your..."

Mr. May stated, "Well, what was your question?...oh I'm sorry that was specifically why they wanted to..."

Mr. Cubbedge stated, "Why they wanted to build to the rear that would be my one question to say..."

Mr. Kinnaird stated, "I think probably it involves the parking in the rest of the property area that they already used."

Commissioner Muth stated, "My recollection of this when it came before the Board of Commissioners and Mr. May you can help me out here is that the property behind it is town property that is essentially not used for anything except for the carnival anyway. So the applicant wondered if we would be interested in letting them have the property to expand back there."

Mr. Ford stated, "And the Commissioners agreed..."

Commissioner Muth stated, "The Commissioners agreed."

Mr. Kinnaird stated, "As long as they bared the expense to transfer the property and anything that needed to be done to utilize the property."

Mr. May stated, "And for the record we have comments from the Health Department and they have no objection and we had comments from the Frederick County Department of Public Works and they said it couldn't be approved at this time. If it's agreeable with the Planning Commission I would suggest that maybe we do a little brief synopsis of what just transpired and send that to the Guardian Hose Fire Company and it will be scheduled for the next meeting."

Mr. Gugel stated, "Assuming they come back with something revised."

Mr. May stated, "It needs to be...well it may not be until February because I don't think they'll have time to do anything and still meet the dead line."

Mr. Kinnaird stated, "I think they should certainly have a say at least some explanation about what they're plans are."

Mr. May stated, "Surely. Oh I was not suggesting to take any action..."

Mr. Kinnaird stated, "Yeah, I know, but I'm surprised that someone isn't here to talk about it any how."

Mr. May stated, "I was just trying to make sure that you were aware of your comments."

Mr. Ford stated, "I think the issue on Rouzer Run needs to be identified."

Mr. May stated, "There is a possibility you can construct within a flood plain and they're aware of that there's a lot that you have to go through."

Mr. Ford stated, "Okay I think we need a motion on the recommendations on both Mr. Gugel and the town for a continuance."

Mr. Kinnaird made a motion File #THM-04-06 for continuance for other comments from the Guardian Hose Company. Mr. Woelfel seconded the motion. Vote – 3 for, 1 abstained (Commissioner Muth). Motion carried.

Mr. Ford stated the last thing on the agenda is to finalize the West Soils, Drainage and Surface Water Control Amendments and proposed changes to Town of Thurmont Zoning Ordinance for building in areas of Wet Soils. The Board reviewed the changes (see attached). A meeting will be scheduled with the builders/developers for the January meeting to discuss these changes with them, notification of the meeting will be sent out to the builders/developers that have done work within the town in the past. Mr. Ford will email Mr. May a clean copy for hand out to any builders/developers requesting a copy.

Mr. Ford stated, “We received a Final Report Development Capacity Task Force.”

Mr. May stated, “This came out and actually we got it in August I believe I’ve been contacted about working with the Task Corp with the State anyway to do a inventory of build out that might be available. I think it would be a valuable tool to use to see really what we have. Jim said they’re working on some of that at the County level as well I just wanted you to be aware of it and to let you know what we doing.”

Mr. Ford stated, “So this is not a...well it says Final Report.”

Mr. May stated, “This is the Final.”

Mr. Ford stated, “Does it include numbers for Thurmont in here?”

Mr. May stated, “No.”

Mr. Ford stated, “Is it everything aggregated together than?”

Mr. May stated, “They did some pilots I think...”

Mr. Gugel stated, “Yeah, this is really just kind of a pilot study and I guess if you look on the second page they just have a few Municipalities in a few Counties but I think what they are doing is I guess kind of looking at they’re methodology and then would eventually apply it State wide to all the jurisdictions. Just as a way of trying to develop some kind of development potential numbers and build out numbers and things like that on kind of a state wide basis.”

Mr. May stated, “And they really wanted to check the methodology, it’s been okayed so now they’re going to... We had responded to Maryland Municipal League inquiries some time ago if anyone remembers...so now they’re ready to come in and work with us to develop that inventory and get a feel of how much is available in Thurmont. As I said I think it was valid and as we look ahead toward the GIS it would be even more important to have that inventory...”

Mr. Ford stated, "Would we have to coordinate that with our Master Plan Update?"

Mr. May stated, "We should, depending on when we get to that that may be data that could go in there that would be more meaningful and more helpful to everyone."

Mr. Ford asked Mr. Gugel if anyone has been hired for his replacement. Mr. Gugel stated that they do have someone hired, his name is Dennis Superzinsky (?) and he will be starting January 24<sup>th</sup>. Mr. Gugel stated he will still be coming for the next several months to get Dennis up to speed. Mr. Ford asked once he is up to speed if he would help get started on the Town Plan. Mr. Gugel stated they would be starting on the Town Plan and the Thurmont Region Plan. The Thurmont Region Plan might get pushed off a little bit because they are currently still working on two (2) Region Plans and they have never had three(3) underway at one time so that might be pushed back. Mr. Gugel stated he will probably have Dennis get started on the Town Plan which he prefers to have done first anyway. Mr. Gugel stated one good thing that Dennis does bring to the job is he does have a pretty strong design background, his undergraduate degree is in architecture and he has had a lot of experience in Massachusetts putting together design guidelines and ordinances and things like that so he actually has some pretty good hands on experience with that. Mr. May stated the town is participating submitting an application for Main Street Designation, one of the issues then would be design basically of the downtown and certainly Dennis's expertise in that area would be very beneficial. Mr. Gugel stated the other issue is whether depending how Dennis works out and his work load and whether the town still has an interest in perhaps hiring it's own planner but certainly for the rest of the fiscal year Dennis will be here and then looking in the next fiscal year is whether the town would want to look at the idea of having it's own Town Planner or Zoning Administrator or some other kind of staff position like that. Dennis would still be available for as long as the town still wanted to work with the County on that.

Mr. Ford asked if there has been any interest in the vacancy on the Board. Mr. May stated there have been a few people that have inquired and they were given all of the vacancies but none have responded to this particular vacancy.

Commissioner Muth stated, "I noticed in the October minutes I guess it was you mentioned some issues at Altamont Gardens that haven't been finished."

Mr. May stated, "Yes, Mr. Brown I think told you at the last meeting that material went out. We've received a response and some of it has been and will be taken care of. The issue with the directional issue they're to have the Homeowner's Association discuss it and see what they would like to do as far as maybe coming back to you to address it with you again. That's where we stand on that."

Mr. Kinnaird stated, "Is that on the directional arrows?"

Mr. May stated, "Yes."

Mr. Kinnaird stated, "What about the issue with the parking along side the entrance to the exit has that been addressed?"

Mr. May stated, "I'm not sure."

Mr. Kinnaird stated, "There was question there was a point someone made and I don't remember if it was here or somewhere else but they were talking about the additional cars parking in the entrance and the exit driveways blocking the flow traffic through the parking lot."

Commissioner Muth stated, "I think that was at our meeting. That was referred to the Chief I don't quite remember."

Mr. Kinnaird stated, "I didn't know if that had anything to do with them marking the...or not."

Mr. May stated, "I wasn't aware of that."

Mr. Woelfel stated, "Is that private drive through there, privately owned?"

Mr. May stated, "Yes."

Mr. Kinnaird stated, "I know the issue was brought up and it must have been at the commissioners meeting because it was brought up as a safety issue."

Commissioner Muth stated, "Right."

Mr. Kinnaird stated, "Safety for the fire and ambulance getting through there."

Mr. Ford stated, "I know they planted more..."

Mr. May stated, "Landscaping."

Mr. Ford stated, "Yeah, which was the other issue. Anything else?"

Mr. Gugel stated, "One other thing I just wanted to bring up I guess in light of the...I guess one of the town board meetings I guess where they talking about the storm water and such I didn't know whether you or somebody wanted to kind of give a briefing to the town board for the Planning Commissions next meeting so they are made aware of what's going on and not thinking that we got to do this."

Commissioner Muth stated, "That wouldn't hurt but my take on what happened that night was somebody was just talking."

Mr. Gugel stated, "Okay."

Mr. Ford stated, “But I think it would...and Glenn could you just give a summary when you go through your normal routine what we’re doing here and our plans. I don’t know that we need to make...”

Mr. Gugel stated, “Well certainly not at this time put I guess Glenn could at least...”

Commissioner Muth stated, “I think I’ve said something in the past but I’ll do it again.”

Mr. Kinnaird stated, “I think it would be good and also give them a copy of the changes so they actually have them to review for themselves.”

Mr. Ford stated, “When I email the clean copies to everybody I could email the commissioners is that good way to do it?”

Commissioner Muth stated, “Yeah that will be fine.”

Mr. Ford stated, “Okay any public things to bring up?”

No response.

Without further business to discuss, the meeting was adjourned at 8:11p.m.

Respectfully submitted,

Rebecca E. Sharer-Long  
Recording Secretary