

The regular meeting of the Thurmont Planning and Zoning Commission was held on Thursday, April 27, 2006 at 7:00 p.m. Present were: John Ford, Chairman; John Kinnaird, Randy Cubbedge; Commissioner Terpko; Denis Supercynski; Rick May; Jim Brown; Dong Shan; Jeff Hammond; Bryan Adgate, Terry Frushour, David Riffle; Judy White; Jason West; Jim Humerick; D.J. Ott; Jim Kilby; Jim Rada ; Becky Ott; Chris Pigula; John Dowling; Joyce Stitely; Shirley Stackhouse; John Williams; Lowman Kenney; Nathan Gift and Jason Schultz.

Mr. Ford welcomed everyone to the April Meeting of the Thurmont Planning and Zoning Commission. He stated the first item on the agenda is the approval of the March meeting minutes. Mr. Cubbedge 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. May.

Mr. May stated, “Very quickly just a quick synopsis we have two (2) new residential certificates issued this month. You have a total of forty one (41) so far this year we’ve issued a total of seventy five (75) certificates compared to eighty seven (87) at the same time last year.”

Mr. Ford stated, “Any questions for Mr. May?”

Mr. Cubbedge stated, “One question do you know where those two (2) certificates where they were located at?”

Mr. May stated, “The new residential?”

Mr. Cubbedge stated, “Yes, the new residential.”

Mr. May stated, “Yes, they were at 212 East Main and 9 Shipley. The one at 9 Shipley is actually a replacement dwelling. They demolished...”

Mr. Cubbedge stated, “That’s the one they tore down and...okay.”

Mr. Ford stated, “The next item on the Agenda is procedural matters. On procedural matters there are two (2) things that we need to maybe change the way we’re doing business and any matters that we vote on are potentially controversial and I’d like to minimize the litigation potential of our decisions so I think we need to clean up our procedures. I’ve been a little sloppy in making sure that we tow the line on this. The first thing is in order for Becky to properly record the vote we need to really vote by hand, raised hands because other wise Becky’s guessing as to who voted which way and so if you don’t mind we’ll vote by hands. The second item is and this is kind of a carry over from quite a while ago when there were some very controversial issues and some potential for litigation. The town attorney at that time indicated that when we approve or disapprove something, take official action on something that we need to in the motion for this action we need to say our basis because if we don’t it will not be on the formal record

and the courts have been supportative of the Planning and Zoning Commissions in general in Maryland as long as it's clear that there was a basis for the decision it wasn't arbitrary and deprecious so that even when we approve things we really should say why. I think in a lot of cases it will be that we feel that the item is in agreement with our Planning and Zoning requirements with whatever conditions have been applied, whatever, but also, and probably more importantly if we disapprove something we need to say why so there's no question what the basis is for our decision. Any questions, concerns?"

Mr. Kinnaird stated, "So that would just be part of the motion I move that this follows our guidelines, our recommendations and so we approve it or we deny because of whatever the reason."

Mr. Ford stated, "Yeah, we state our reasons."

Mr. Cubbedge stated, "Do you still want verbal Aye, Nay even though hands are up?"

Mr. Ford stated, "No that's not necessary I don't think. Okay Thurmont Ambulance won't be here for a few minutes."

Mr. May stated, "I think there're here."

Mr. Ford stated, "Oh, they're here?"

Mr. May stated, "I think they're outside."

Mr. Kinnaird stated, "They were waiting for their architect I believe. The three (3) members are out there waiting for the gentleman to show but they assured me they would come in when he got here."

Mr. Ford stated, "Guardian Hose Company do you know if anyone planned to be here?"

Mr. May stated, "I think someone was planning to be here."

Mr. Kinnaird stated, "I think like the Ambulance Company they're under the impression of 7:30 and I informed them otherwise late this afternoon. The Ambulance Company evidently they looked at their sign..."

Mrs. Long stated, "I just now thought of that the sign says 7:30. I didn't think about that. I made a note."

Mr. Ford stated, "Let's go to the Growth Limitation Policy. I think you all received the comments from the lawyer (see attached). You may not have had a chance to look at them yet. I would like to...have you had a chance Denis to look at the..."

Mr. Superczynski stated, "I just skimmed it when it came in I haven't really looked at it. I want to look up a few of the notations that she's brought forward in some of the cases. She does say in that second or third to last paragraph 'In lieu of implementation of growth limitations, the Planning Commission continues to have the authority under Article 66B to implement phasing plans or schedules at subdivision plat approval. In addition, the Town may consider beginning to use development rights and responsibilities agreements. Enclosed is a copy of Article 66B, 13.01 which addresses development rights and responsibilities agreements for your information.' I think we talked about this last time that I sort of understood our general discussion at the time to be one of trying to find an equitable way to limit those subdivision plat approvals in any one year and find a way to distribute that once the larger developments as well as the single lot owner. I think that is even after looking through this briefly I think that continues to be a challenge they will have. I mean I don't see anything different presented here but a couple of cases I do want to check into because there are some more aggressive tools that sort of float out there on the edge shall we say and not been reviewed by courts frequently or in some cases at all but they haven't been found to be sort of out of whack with 66 B either so those are things I'd like to pursue in terms of the growth limitations. I think what we started to some of those ideas I thrown at you in bullet point format last time we're going down that path and I think what probably makes since is to take this up at a meeting where we can talk about this now if you'd like but talk about what it is you want to accomplish with the rate of growth limitation and if it's something that we can accomplish at subdivision plat approval stage then we should basically focus on that and not even pursue some of the other options."

Mr. Kinnaird stated, "But at this time basically if during the subdivision plat approval if you restrict under 25 units per year that's in fact what we're doing already isn't it?"

Mr. Superczynski stated, "That is what you're doing but again and this is sort of related to what John is saying in terms of having a reasonable, having some reasonable logic behind a basis for doing it...to be able to say we're restricting it to this number per year because and the point here at least as I sort of glanced at it is that you're A.P.F.O. should be doing the adequacy part of it for you. You're A.P.F.O. if it's not you should reconsider what it's doing and perhaps beef it up so that it at least it's making things adequate. I think the thing that's floating above this whole discussion perhaps is not just the quantifiable adequacy of the infrastructure but perhaps the community's level of acceptance with rapid growth and those things are very different."

Mr. Ford stated, "A.P.F.O. is not something that we should use every year to control the growth...the A.P.F.O. is a safety valve. It doesn't kick in until things are pretty bad so to me that's the safety valve up here. If we're doing our job right we should never...that safety valve should never go off."

Mr. Superczynski stated, "Should never be tripped, yeah."

Mr. Ford stated, "Right."

Mr. Superczynski stated, “And you see this at the county level as well the struggle to...I mean Frederick County is playing catch up even in terms of adequacy there safety valve should have been tripped about a generation ago so you see us playing catch up as far as the adequacy of facilities goes but keep in mind all of your...tools should be feeding the same philosophy. When you look at your Master Plan and you consider municipal growth boundaries and additional annexations keep in mind there is nothing telling you that you have to continue to rezone properties to expand the available area beyond where it is now and first and foremost that is your most effective tool is your Zoning Ordinance. You can look at policies that limit that serve as a trigger so that when you hit a certain amount of capacity...lets say you have a thousand acres available for residential development, that’s zoned for residential development and only twelve acres of those remain and you might say as a community we need to have some more land in the hopper to provide the opportunity for housing development for instance or you might say with a simple land use analysis we’ve got 455 acres available now for housing we don’t need to extend that, we don’t need to expand that pool of land for housing development because we’ve got plenty now and several jurisdictions have policies not laws but policies that guide them as to when the appropriate time is to rezone additional land is. Frederick County has some policies in place in their comprehensive plan that talk about a 75% threshold so if we get to a point at least in theory when 75% of the land is...the available land for a certain use is developed that that’s the trigger to go out and look at rezoning additional lands and keep in mind also that when we do the Master Plan Map sort of the strategy is to have more land use designated for certain uses than you actually have zoned. So you sort of have this pool of area that’s been designated for economic development, for town business, for residential that it’s still perhaps in its raw zoning form. It’s agricultural or resource conservation or R-1 is kind of a default open space here. So keep in mind the zoning doesn’t have to precisely match your ultimate land use plan. Your ultimate land use plan should be a long range vision. Your zoning should be the tool that you kind of use as a course correction in order to get there. So there is no need to kind of open the gates on day one unless you feel that you want to do that.”

Mr. Ford stated, “The way I read this in a quick reading tells me that we do not have the authority to say the town residents and our survey have indicated they...most of the majority wanted to less growth, a lot said no growth, some said the growth we had now 54 per year is right so something less than 50 probably is what people, the majority of people want. We do not have the authority to basically say okay the people said this so this is...we’re going to limit the number of zoning certificates we give out every year to that amount we can’t do that according to this.”

Mr. Superczynski stated, “According to this but you have a more powerful tool which is to change the zoning map. Now you can...”

Mr. Ford stated, “No I understand but you see I think people in the past have not understood that and as a result are...I mean I remember standing at that podium at a number of meetings, annexation meetings and pointing out to people that once they annex

the land that the growth rate is going to go sky high because we already have a couple of major developments in the works.”

Mr. Superczynski stated, “If it’s annexed as developable land initially and that’s the key. I mean what zoning designation do we have that is more or less a holding pattern for lack of a better word or...we don’t really because the town’s are kind of expected to grow fairly intensively and the expectation is the town will grow incrementally to accommodate growth pressure and we know that that doesn’t really happen all the time because for a lot of reasons it’s easier, cheaper, more expedient to go out and develop new land then it is to redevelop or to put together multiple parcels. There’s more work involved in looking at what you’ve already got and a lot of times it’s easier just to scrape the old car and go get a new one and I think that’s what a lot of people do in terms of development theory so that’s a point we have to make during the Master Planning process but you still maintain this subdivision rate which I think is kind of a...that’s still a general weapon that you have at your disposal.”

Mr. Ford stated, “My question is how much control do we have over that. I mean can we make it twenty because we have other people building within lots that are already zoned.”

Mr. Superczynski stated, “Right.”

Mr. Kinnaird stated, “Well it still says here that in lieu of implementation and growth limitation the Planning Commission continues to have the authority to implement phasing plans or schedules at subdivision plat approval. So we can still maintain the current guidelines of lets say twenty five (25) per year for each development.”

Mr. Ford stated, “Well that’s what my question is, I don’t know if that’s legal.”

Mr. Superczynski stated, “You do have that ability and the only thing that’s going to be...the only thing that would get in the way is sort of a reasonable...test. If someone challenges it you have to be able to come up with a reasonable explanation as to why that was an appropriate rate and I think...”

Mr. Ford stated, “What is the reasonable explanation?”

Mr. Cubbedge stated, “The A.P.F.O.”

Board members stated, “No.”

Mr. Cubbedge stated, “Here where’s the double take...this is where if you go up to the next paragraph it says we already have a A.P.F.O. Ordinance the question becomes what is the purpose proposed...it says any limitation on growth must be supported by testimony at the time of adoption. You can not use the...and is necessary and reasonable to secure the general welfare and historical growth consideration alone is not adequate. So you can’t say our twenty five (25) that we have used if you go by that statement right

there alone you can't say that. We've used twenty five (25) historically and that's been our...according to this line right here it says no."

Mr. Superczynski stated, "But you don't do that now and you're logic is fuller than that when you come up with these development...we've discussed this before and it's not...the twenty five (25) isn't arbitrary it's a round number it's seems reasonable in terms of the amount of lots that were sort of put in line with developments that we've gotten up to this point so all this is saying is that you have to justify, you have to be creative in the way we explain the reasoning for this. It's still acceptable in the State of Maryland to set reasonable limits on subdivision plat approvals that are not directly tied to A.P.F.O. Like John said the A.P.F.O. is more or less a safety net and the A.P.F.O. at least in theory is saying once the infrastructure is in build them all in a day that's fine. A.P.F.O. drop the buildings in place."

Mr. Cubbedge stated, "To back up on that now a previous gentlemen came in for annexation alright underneath the twenty five (25) he wanted to put it in what do we use to block...what was used to block him from the annexation."

Mr. Superczynski stated, "The Free property?"

Mr. May stated, "The sewer reason not to annex."

Mr. Cubbedge stated, "But it was used when it went to the Board of Commissioners they said they could not vote on that annexation in good faith because the A.P.F.O. was already hit."

Mr. Ford stated, "No they didn't say anything about the A.P.F.O."

Mr. May stated, "That's right they..."

Mr. Ford stated, "They said we have sewer problems we can't in good conscience approve this annexation because..."

Mr. Cubbedge stated, "Is the sewer not part of the A.P.F.O.?"

Mr. Ford stated, "Right but the A.P.F.O. says the sewer is adequate."

Mr. Kinnaird stated, "As I read what she's written here is the question is are you implementing growth limitations. If you do implement were there actually growth limitations then you have to have these purposes but if you're doing something where its subdivision of plat approval you're saying this is a phasing plan a phasing plan is different than a growth limitation. A phasing plan is implementing the growth that you know you're going to have over a certain period of time. Not limiting the growth you're just saying it has to be phased in at this schedule. You're not saying you have two hundred (200) lots you can only build one hundred (100) lots which is a limitation you're

saying you have two hundred (200) lots you have to build less than fifty (50) a year or less than twenty five (25) a year that's what I read this to say."

Mr. Cubbedge stated, "And we have to come up with some legal logical reason why we are now going to state that you can only build..."

Mr. Kinnaird stated, "No I don't think that says that."

Mr. May stated, "Let me go back to the rational for the twenty five (25). We had several subdivisions in the works at that time it was a concern the developers attended and said a reasonable number would be this based on the economics of us putting in the infrastructure and marketing the product and that was the basis for the twenty five (25)."

Mr. Cubbedge stated, "Right and since that time period number one it wasn't really the board said twenty five (25) you had builders who said it was..."

Mr. May stated, "No, the Planning Commission agreed with them and said that's reasonable."

Mr. Cubbedge stated, "Right that's reasonable."

Mr. May stated, "So that's where it was adopted."

Mr. Cubbedge stated, "So now we've used...what I'm saying all we're doing with our twenty five (25) since that point in time has been a historical...that's what we've used historically has been twenty five (25)."

Mr. May stated, "You could still use the same rational..."

Mr. Cubbedge stated, "What if we get to a situation when someone comes in and says I can build infrastructurally and everything else seventy five (75)."

Mr. May stated, "They can do that but the idea was that that was the phasing limit. You could build them all, they could do that."

Mr. Cubbedge stated, "No, no I'm saying in stead of a year because we put them at twenty five (25) a year okay what if another builder comes in because taking what we did in the past when we came up with a builder recommended okay multiple builders came to the original Planning and Zoning and said look we feel this is to make the town's growth for our infrastructure excedera twenty five (25) houses and at that point in time the Planning and Zoning said that sounds good, it works out fine it suits our purpose it suits your purpose okay now since that we've used historically twenty five (25) what if you now come in and have two (2), three (3) other builders now walk in the door who state infrastructurally wise I can get everything accomplished by putting seventy five (75) houses in."

Mr. Superczynski stated, "Right and this was I think the geniuses of the original discussion because we had the folks coming in with the odd three (3) building lots left and...this leaves you room, the subdivision approach, leaves you room to say beyond A.P.F.O., beyond the bare minimum needed to sustain community life are these other things that communities also absorb whether it be fire and rescue, parking, shops, any number of social infrastructure churches besides having classrooms in place having teachers in place, park land there's a lot of things that are not in the A.P.F.O. that the community still has to absorb and you can make a reasonable argument as well that the amount of activity necessary to support the construction of three hundred (300) houses a year in Thurmont would practically shut portions of the town in terms of traffic movement, bringing materials in, be disruptive for our local economy. There is any number of arguments that we can use to support that...not to mention precedent because everybody basically does it that way already. Not that that's ever a good reason to justify an action but in this case it is because Maryland Law does give you that leeway. The problem we're going to run into is what you might be alluding to is what if we hit that year where we suddenly have multiple builders all coming to us with what we individually think is reasonable, whether it's twenty five (25) or seventy five (75) or whatever and find ourselves in September having approved four (4) or five (5) developments at that rate and now we're looking at..."

Mr. Cubbedge stated, "We have three hundred (300) and some odd dwellings."

Mr. Superczynski stated, "And that's something we have to consider. I think the likelihood of that happening you'll have some time to spread that out a little bit and each time you address a new application you're going to have to apply the same rational but not necessarily the same number okay, because each one is going to add to the infrastructure social and physical infrastructure needs to the community. You're going to be able to make an argument that the town can't sustain that rapid of a growth rate but this still doesn't solve our one (1) and two (2) homes at a time issue which is why I want to look at the case law here and see what there is in terms of what your attorney has come up with that would support you in dealing with the smaller subdivisions or things that aren't subdivided they're just infill lots. We've had lots of examples just in the last six (6) months to a year of infill of development in the town for homes and I think that very healthy. This is what we I think what we want to have happen in Thurmont."

Mr. Ford stated, "Right, certainly our current Master Plan says that's what we should do."

Mr. Superczynski stated, "Right fill in the missing teeth on the Main Street fill in the empty lots that can support homes in the town now because guess we're already paying for that eighty five (85) feet of road, we're already paying for the pipe going by, the sidewalk, we're already paying for all that so yeah put on another unit and share the cost with us as opposed to going out and finding the newer site that hasn't been developed where we have to extend that infrastructure."

Mr. Cubbedge stated, "I'd argue with you a little bit on that."

Mr. Superczynski stated, "That's good..."

Commissioner Terpko stated, "Let me ask you this but when it starts with...when you're looking at an annexation though can you not put the contingency on it that we will only accept twenty five (25) homes."

Mr. Superczynski stated, "Different animal. Annexation is different."

Mr. Commissioner Terpko stated, "Exactly, but basically what we're concerned with right now is and there's really not a lot of property left to build on like you said you have your ones (1) and two's (2)..."

Mr. Superczynski stated, "There is...there is fair amount of property left and more importantly you can redevelop in the town and that's something we always have to keep in mind that redevelopment is part of this game to and if we never...if the pressure never builds to the point where it is worth while to undertake some of the additional hassle to redevelop land then you're very unlikely to find folks who will do it unless there is good economic reason for them to do it. One way we work that is by allowing annexations into outlying areas there by just relieving the pressure and making it easier to develop outside rather than inside the town. So that's something not about any particular proposal but in general this is something that smart growth needs to...your smart growth philosophy needs to address."

Mr. Cubbedge stated, "Doesn't that also fall into...you want to fill your entire growth boundary with concrete or do you want to have some green in there. I mean if you do nothing that allows outside and you do nothing but build inside then there goes all your green and it's all concrete."

Mr. Superczynski stated, "Because you also have to plan for infrastructure which includes parks and open space and you know you continue to build on the inside of the town there's going to be more support the development of those ball fields and the open spaces and the trails and the sidewalks more people sharing that burden."

Mr. Ford stated, "If it's zoned already as residential I mean it maybe green space because people haven't built on it but they have the perfect right to build on it and we have no right to tell them they can't."

Mr. Cubbedge stated, "I agree with that and that's what I'm saying...green space in town if you don't allow outside building."

Mr. Superczynski stated, "No we have to be aggressive about making sure we have adequate open space in town and using the same logic. We have areas in the town that we could and probably should develop more hardily as ball fields or naturalized open space we don't, we currently don't put the money into it that we need to but if we have more development happening within the town boundaries that's something we need to

look at and that is kind of like a flip side of infill development you have to make sure that that you're infrastructure keeping in pace and we've already perhaps acknowledged through deficits in the town in terms of that other infrastructure and green space and parks might be one of them and that's something we need to think about. But you're right you don't want to develop too much but at the same time if we don't allow the growth to happen some place it's going to spill out and either way it's going to impact you on your tax rate. Development that happening out in the...lands of the county effects all of us just as much as development inside of the town helps all of us. I know when you're next door to it or across the street from it its more jarring and..."

Mr. Cubbedge stated, "Question, can you split the two (2), can you have an ordinance that allows that we can control sub divisional type, this x amount for sub divisional and five (5) individual. Can you do that?"

Mr. Superczynski stated, "That's what we were looking at last time and that's why I need to have a phone conversation and find out if we're able to do that, what the limit might be. I have a feeling the limits going to be minor or major subdivision I think that's where the splits going to be but I want to make sure because if we can do it on the minor subdivisions at least that would also be...you have some flexibility on how you can condition minor subdivision I just don't know how far you can go in terms of phasing and that's something I want to check."

Mr. Ford stated, "To summarize this is going to be kind of a multiphase thing. The Master Plan is going to have to address it the way we...the town rezones and annexes and so on and the phasing and how it applies to minor and major subdivisions the combination of those two (2) things will give the town the authority somewhat to control growth. We can't just limit growth because the survey said people don't want much. We can't just use that as a basis."

Mr. Superczynski stated, "You have the ultimate power, zoning is not a guarantee. If you buy a home or property with a certain zoning designation there is no guarantee that zoning remains the same despite what a lot of folks of a certain political...will say about property rights it is not guaranteed and you are not...and the Supreme Court has found on several occasion and you are not guaranteed that intensity of zoning when the purchased, when you bought your land. So keep in mind perhaps the doomsday weapon you have in your possession as not necessarily as the Planning Commission but the Town Board has is to down zone land we'll use the terminology of property right to deintensify the zoning designations already in place so if you felt things were really getting out of hand both inside and outside the town you could drop the density or you could limit the physical areas of development. There is nothing in Maryland law or in the Constitution that would prevent you from creating a ten (10) acre super intense development zone in your town and down zoning the rest of it if you had solid planning philosophy behind you and you could show that was on the on the best interest of the..."

Mr. Kinnaird stated, "Could I ask to get one thing clarified in the letter that we have in the third paragraph from the end it says that we still have the authority to implement

phasing plans or schedules at subdivision plat approval to make sure that that is unquestionable, that's still a tool that we can use when developing subdivisions regardless of whether we have a growth limitation policy or ordinance or whatever it would be."

Mr. Superczynski stated, "Which paragraph was it?"

Mr. Kinnaird stated, "The third one from the end it says in lieu of implementation of growth..."

Mr. Ford stated, "I think Denis has said you still need some basis."

Mr. Kinnaird stated, "Well in what I read it doesn't say that. What it says is if you implement a growth limitation policy you need a basis. What this says is when your doing your subdivision plat approvals you can say we want twenty five (25), thirty five (35) or twenty (20) homes per year and that is in the agreement that you come with the developer."

Mr. Superczynski stated, "But you will also find and John alluded to this or actually said this in first comments the idea of Planning Commissions making findings before decisions the Zoning Board of Appeal tend to be better about that because they're more comfortable in quasi judicial realm so they're very often listing out the findings we find this, we find this. If we have projects of significant impact on the town we're going to make you have a list of findings that maybe would help."

Mr. Kinnaird stated, "So maybe my question should be not is do we still have the...but what do we have to implement along with this policy. Do we need to have specific findings for our reasons for saying twenty five (25) houses per year, per subdivision?"

Mr. Cubbedge stated, "And I think you're going to find that because we've been lucky, the town its self has been very lucky with the developmental as it has been. We get someone down the road who I don't agree with you I want to do this and if we don't have something...it will be harder for us to try and do our case scratching form behind then if you had something out front and I can see...I think down the road we're going to find somebody that's going to say hey I want to do this you can't prove to me any other way why I can't do this and then we're stuck and I don't want to see the town in that position."

Mr. Ford stated, "They would have to sue us but maybe they would be successful."

Mr. Cubbedge stated, "Well if you look at the news paper here recently the developers are wining and the towns are losing and I don't want to see that happen to us."

Mr. Superczynski stated, "Well most likely in a practical real world situation what would likely happen would be that a judge after it going to your local Board of Appeals it would go to the first layer of court system the judge would send it back to the Planning

Commission remand it and say now consider it and give their reasons, justify...that's kind of the worst situation with an initial law suit and then perhaps you could still lose, the developer or the applicant are still unhappy takes it back to court but you have a lot of planning history, a lot of precedent law to back up your decisions you just have to be careful in kind of showing your path, showing your logic and its been that way for many years its just that its very easy to fall out of practice in doing that until you get to the big projects maybe start practicing on some of the smaller..."

Commissioner Terpko stated, "Well let me ask you this. In the Master Plan if it lists all this out exactly how things are to be then on this here under 66B, #2, E approval by the commission it says you know the public principal of local jurisdiction may not enter in an agreement unless the Planning Commission under local jurisdiction determines whether the proposed agreement is consistent with the plan under local jurisdiction. So basically what you want to propose is not what we want in your Master Plan it's not in agreement so it's not going to go. That's what 66 B says. So if it's listed in your Master Plan that you want A, B & C and developer is not going with A, B & C 66 B says they have to or else it's not consistent."

Mr. Superczynski stated, "The problem is again in real world applications the...of Master Plans do have that force of law when used properly. The consistency issues that are brought up in 66 B essentially say that you can't have policies or regulations that are counter to what you have stated in your Master Plan. It's to avoid people with any kind of a blue sky syndrome where we want this, and this in our Master Plan then turn it around and doing something totally with there..."

Commissioner Terpko stated, "But what I'm saying though is if you stick consistent with your Master Plan and you do that with every person that walks through the door then 66 B would protect you under that section correct?"

Mr. Superczynski stated, "Right and...it doesn't protect you from a law suit it might make you victorious."

Commissioner Terpko stated, "Exactly."

Mr. Superczynski stated, "One thing to think about and the first site plan we have here I'm trying when I do produce these reports for you which I don't do that for everything but I do try to at least put in a token note about Master Plan because I think it's important to do. It tends to be the more positive issues but it can also be the negative and you'll see this first one it's the very first note that comes up as to why this is appropriate development proposal."

Mr. Ford stated, "The other consistency with the Master Plan is the Town Commissioners don't necessarily have to be consistent with the Master Plan."

Mr. Superczynski stated, "The laws they pass do."

Mr. Ford stated, “Okay but the decisions they make don’t...”

Mr. Superczynski stated, “The different shades of gray...”

Commissioner Terpkko stated, “No, but that’s a good point and needs to be...that was going to be my next question, how much teeth does a Master Plan really have when an annexation comes before us and they say we’re going to do this no matter what.”

Mr. Superczynski stated, “Fundamental to the consistency notation in 66 B is that you are acting on issues that are appropriate to act upon in terms of land use. So for instance if you put in your Master Plan that everybody has to where bozo shoes obviously not relevant, doesn’t follow through and there would be really obvious ones about establishing growth areas and proper land use controls then there’s this larger body of issues that are kind of in between and that’s where it gets a little dicier but we’ve already made direct references to the annexation history in the past several years and have not respected necessarily the municipal growth boundary and that’s something that hangs out there and hopefully we’ll resolve it at some level during our next couple of months working on the Master Plan.”

Mr. Ford stated, “Okay any further discussions? So the path forward here is you want to look at some of these court cases.”

Mr. Superczynski stated, “Yeah.”

Mr. Ford stated, “And maybe we can put something together more definitive now that we’ve got the attorney’s input on this.”

Mr. Superczynski stated, “Do you want to set a date of June or July meeting just to come back to it and have another...”

Mr. Ford stated, “Yeah I think it’s important.”

Commissioner Terpkko stated, “Can I ask you something, is it possible because I know when you go through all of this and the regulations that you have to follow and so forth, like you said redevelopment and things like that what if...because I believe our minimum lot size now is 8,000 square feet in R-2. What if it would be raised to 12,000 would that help in the limitation or the amount of homes?”

Mr. Superczynski stated, “You can change the minimum lot size and the density are two separate issues so for instance you could have twenty five (25) acres of land, you could set up regulations and allow somebody to build twenty five (25) homes on that land and still limit the lot size to 4,000 square feet. Those things almost work concurrently and you can tweak them to do certain things to keep lots generally undeveloped. You can use it to tweak the density allowed in the zoning district or to expand the density so those are important tools and its like having the sliders on a sound board your working with treble and...”

Commissioner Terpko stated, “So in other words if there is a piece of property right now in town and somebody wants to redevelop and they come forward when you do the subdivision plat or whatever at that point it could be changed or they could be told no this is how it is going to be approved.”

Mr. Superczynski stated, “Your zoning would have to be in place prior to the...”

Commissioner Terpko stated, “Okay so that would have to be changed then.”

Mr. May stated, “We had that to a slight degree now in the town home development where lots can be reduced if the total area goes to common space.”

Mr. Ford stated, “Okay so if we could do something at the June meeting, I don’t know your schedule Denis. Okay we’ll go back now to the next item on the agenda which is the Thurmont Community Ambulance Site Plan. Mr. Superczynski.”

Mr. Superczynski presented the attached Staff Report.

Mr. Cubbedge stated, “Do they have to have the parking here on the north side of the building where this six slots will be?”

Mr. Superczynski stated, “There is nothing in the ordinance requiring any spaces so I think it’s a matter of convenience it’s obviously a help to the church and its probably a help for the folks at the Ambulance Company as well. So if there is a way to work around that.”

Mr. Cubbedge stated, “There’s no delineation of...is that going to be a one way and which way they’re going to flow?”

Mr. Superczynski stated, “I think its meant to continue the historic routing and I think the pavement makings are probably sufficient to do that and it doesn’t look like you have problems with that normally and I’m just putting out there the fact that the directional sign might be the way to go but if its not been a problem then I would just keep with pavement markers and I think that’s typically one of the County or the State Highway comments that comes back is that for the pavement markings to make it obvious when someone’s coming into the property or coming out of the property.”

Mr. Ford stated, “Any other questions for Mr. Superczynski?”

No response.

Mr. Ford stated, “If not, Mr. May?”

Mr. May stated, “I’ll start with comments from Frederick County. You’ve been provided with the two separate documents one that was faxed to us earlier then one

recently that has updated.Katzenberg and that addresses stormwater management and it says the proposed disturbed area is less than 5,000 square feet, not further stormwater management is required. They had no further comments other than if the land disturbance is increased beyond the 5,000 square feet they may have to have another review. The Fire Marshall had several comments, showing the locations of the two closest fire hydrants, or I should say the Life Safety Division said the signage over the site and again show the two (2) closest fire hydrants, show the water service location. The building will be required to be sprinklered in accordance with the fire code. They would also ask that they clarify the portion of the driveway that is existing and what is new pavement. The drive aisle must be a minimum of 20' wide and an all whether surface and then the rear exterior stair from the second floor is being eliminated they questions how it is being replaced and where. The Fire Marshall continues that they did not have a problem conditionally approving the plan provided the agency comments are addressed. Sediment Erosion Control commented that they will need to address any sediment controls for the project and that should be added to the project plan and because this is a commercial site it will need a sediment and erosion plan. They require a proper stabilized construction entrance during construction if the disturbed area is...that they would be working in. Containment of any sediment run off from any disturbed area will need to be addressed while construction is on going and they being the soil conservation district will review for further approval when the sediment and erosion is proposed or submitted. Local staff commented that Improvement Plans will need to be submitted to the Town of Thurmont Public Works Department for review. Improvement Plans shall include any new water or sanitary sewer connections or relocations. Grease trap plans will need to be approved by the town and Frederick County Plumbing. Stormwater Management Plans we've addressed. Fire flow meter in vault will conform to the town detail # 219 if water service needs to be upgraded for sprinkler system and we received a comment from the State Highway from Mr. Katzenberger that State Highway Administration has no objection to the site plan approval as existing access is adequate. We have a F.R.O. Forest Resource comment. They are suggesting that they make a payment or fee in lieu of instead of reforestation. F.R.O. is applicable it will be ...(tape change)"

Mr. Ford stated, "Why is the Forest Resource Ordinance on here, is it because of the three (3) trees that are being taken down?"

Mr. Superczynski stated, "I don't know if it's the level or disturbance or the amount of disturbed area or not."

Mr. May stated, "It's 4,450 square feet of disturbed area evidentially I don't know if that's close enough to the 5,000 to treat it as..."

Mr. John Williams stated, "Normally they weren't triggering it for an addition any addition less than 50 % of your present building..."

Commissioner Terpkko stated, "So they're charging \$233.00 because they feel it's close to be 5,000 disturbed."

Mr. Williams stated, "One of the Commissioners are looking into waiving their fees so it may become a non issue anyway but it's a puzzeler because according to the present rule for an addition on a minor scale like the F.R.O. doesn't apply."

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

No response.

Mr. Ford stated, "You did mention the sprinkler in there?"

Mr. May stated, "Yes I did."

Mr. Ford stated, "Okay if there are no other questions who's representing applicant?"

Mr. Williams stated, "I guess I can start and Lowman's here and lots of folks. I'm John Williams, register architect. Just as a brief starter what we'll do is the church and through all the Frederick County offices and the town they ask us to go ahead and include the church with it since the combined site plan was still less than 5,000 square feet and basically what it is the addition is going where the blacktop is now and then those large trees have had some issues so the church is tickled to get them down and it's also wrecked there driveway there and they've had some erosion problems. There is no major grade changes on either site. The Ambulance Company said in their agreement and Lowman can address a little more of the agreement I haven't read through that carefully but I believe staff has it. We're going to try to help them down at the bottom where there is some water laying in the grass and a little bit of a mud hole but we're not talking any grade changes. Rick Masser I met with him and he had no major stormwater issues because we weren't increasing the impervious area on our site and very little on the church site. The church ask for it to be widen and they also ask for those parking space so that's where that came from and then all the lighting it makes since to put on the building and we'll work with staff to address that and then Rick and his staff made us aware that there is a sewer in the back that if we put the addition through that it needs to be sleeved so we'll work with Frederick County and or Thurmont requirements for that and we noted that. It has always been one way in the one side and out the other and Lowman said there is a sign in place on the church side. Then out at the entrance they ask us to save that little stone pillar and the only reason I didn't submit elevations and I thought I had I was going to leave a set with Rick that one day but the front is basically just match it's so narrow we're just going to match the front of the building, match the brick, match the doors and then they can either leave their sign alone or center it similar to what they are so I will be glad to provide the rest of the set of working drawing which shows those elevations on a staff level and they'd like to get going but the other grey area sprinkling per the present Frederick County code it's not required to be sprinkled we're way under 12,000 square feet way under 300 people. Apparently there's been some ordinance by the state but it's also a grey area because we talked to Walter Murray today and he said when will you sprinkle it all the fire company and ambulance I've been 27 years with the fire company in the County and certain areas it's easier for them to do and

certain not but I'm not aware of the State Ordinance that says any addition to a building or any existing building must be sprinkled. We'll address that when we know it but they do want to and most of the fire and ambulance companies in the county want to be state of the art so we agreed to go ahead and show a 4" line whether they sprinkler or the ordinance requires them to sprinkle they said they're willing to work with the town to put that 4" line so that in the future or whatever we have to do they can sprinkle and somebody also suggested a 6" line today but that's a test that has to be done on the water head pressure for the size of the building. The addition is so small in the kitchen we could probably work off a domestic system and do a domestic thing. You're allowed up to 22 heads so it's one more ambulance bay, a small kitchen for their fundraiser and then upstairs some storage area so it's possible that we could meet N.F.P.R. 13 come up with a less expensive upgrade. It's very expensive to put in a 4 or 6 water main and hard pipe an existing building so I think that would be a hardship on them at this point. Lowman you probably have some more information than I do at least on the convenance and what you talked about today?"

Mr. Ford stated, "Maybe before Lowman comes up could we pursue some of these comments a little further?"

Mr. Williams stated, "Sure."

Mr. Ford stated, "The Sprinkling that was by the County is that right? The Fire Marshall so that you'll need to take up with the County."

Mr. Williams stated, "And usually that's addressed when building permits are submitted not during site plan and it was brought up so we addressed it and we did what Walter Murray's office asked us to do and what they we're willing to do but we'll address sprinkling when we submit for building plans."

Mr. Ford stated, "Location of the two (2) closest fire hydrant..."

Mr. Williams stated, "They're right across the street and Mr. Dmuchowski verified to both myself and Lowman today that that's fine..."

Mr. Ford stated, "How about the rear stair issue?"

Mr. Williams stated, "Well the rear stair issue is also a building issue they already have a rear stair out the office so with that small addition and the requirement is less than unsprinkled building less than 75' which we are from any of the new rooms to that stair or sprinkled up to 100' so that's also going to be a building code issue. So there is a front and rear stair right now and exits."

Mr. Ford stated, "Have you discussed this with the County at all?"

Mr. Williams stated, "I've talked to John Pico and to people in County Plan Review. When we get to the building issue unfortunately it won't be Mike Dmuchowski it'll

be...they're so backed up in the County that they're doing all the plan review for Fire Marshall and building they're subbing it out to firms in DC and Baltimore. So we just deal with them as we get them. I'm working with another ambulance company now and its just what we have to deal with but that's a building issue but we do have the required exits according to the I.B.C. Code right now without that wooden stair that's in the back."

Mr. Ford stated, "What we would do is, it depends if we approve it we'll just have the condition that these requirements are met..."

Mr. Williams stated, "Conditioning that the County and the Fire Marshall approve it."

Mr. Ford stated, "If we continue it then..."

Mr. Williams stated, "Right, but we're not touching the existing rear stair, the metal stair on the south side."

Mr. Ford stated, "As far as lighting is concerned I don't know how you folks feel about it I think a luminance grid is not really necessary in this case because we're not adjacent to a residence per say and you do have the cut off...full cut fixtures. Do you know what the height of those?"

Mr. Williams stated, "Well the building at the highest point back there is about 20' so we have to put it below that and the church asked us for a similar thing we just wanted that section lit there."

Mr. Cubbedge stated, "...I would like it to state on there that it is addressed and will go no higher than 20'."

Mr. Ford stated, "Okay the grease trap plans need to be approved do you have any problem with that?"

Mr. Williams stated, "No, when we get to...when they work with a kitchen consultant to buy their equipment when we submit our building plans to the County and kitchen plans we'll submit a full equipment list and copy the town and then that equipment determines your size of your grease trap. They still I believe in a retrofit like this or an addition allow it to be inside the building and I believe new buildings there's a couple new requirements to put it outside the building but we'll follow both the County and Health Department recommendation."

Mr. Ford stated, "Okay you've described what you're going to do as far as the renderings are concerned. You're basically going to reproduce what's there in the addition."

Mr. Williams stated, "It's been drawn and I apologize I would have brought that over had I know Rick needed it and I believe he had some of the plans some of the internal plans I thought he had elevations and its really just matching the front of the building."

Mr. Cubbedge stated, "This new addition will have a bay door on it?"

Mr. Williams stated, "Just a bay door yeah to match the others."

Mr. Cubbedge stated, "So we're now going to look at three bay doors on the front is that correct?"

Mr. Williams stated, "Right."

Mr. May stated, "Five."

Mr. Cubbedge stated, "Five bay doors, okay."

Mr. Williams stated, "And the signage we can either work with the town to move it over and center it or leave it where it is."

Mr. Kinnaird stated, "You're going to expand the signage? If anything you'd just be moving it to center it on the building."

Mr. Williams stated, "Move it to center it and we'll match the existing mansard roof. We may actually may even get a piece off of it in the demolition because it goes around the side now. I'll provide Rick with the full elevations."

Mr. Kinnaird stated, "Will you be disturbing the existing apron in the sidewalk in front of the existing building or I think if I'm not mistaken there's actually a sizeable drop off along the perimeter."

Mr. Williams stated, "There is a sizeable drop off and we may have to adjust that and there's a drop off and that's why we showed those steps there going down towards the church and when those trees come out it's a...6 or 8" in there where the trees and when they come out so we'll address that but I believe we're going to have to have some steps down to those parking spaces."

Mr. Kinnaird stated, "And you understand our concern with having a recognizable sidewalk area adjoining the apron to the building."

Mr. Williams stated, "Yes, we'll work with the town I mean we can delineate it if we put something new in there we just delineate where the walk is and used approved materials or belemnite or whatever you guys recommend. I don't think they want to get into brick pavers but..."

Mr. Cubbedge stated, "We've have said even as much as just brushing concrete just to delineate what the actual apron was...and where the sidewalk is, yes."

Mr. Williams stated, "We'll comply with the town's requirement to that."

Mr. Ford stated, "Okay does anybody on the commission have any concern about the appearance."

Mr. Kinnaird stated, "No, I think as long as the addition matches what's existing I don't see any problem with that at all."

Mr. Williams stated, "It was an exact match in height and elevation and everything and I'll make sure that Rick gets a full set of the elevations tomorrow."

Mr. Ford stated, "Okay the last thing that I have noted here is the parking issue it apparently does not comply with the zoning regulations which I didn't realize. Would you mind Denis just going over that again?"

Mr. Superczynski stated, "Yeah there's...Article IX its kind of a little loop thing it basically says that in a Town Business those properties zoned Town Business shall not be required to meet the parking requirements as set forth in Article IX, Section 1.4 and that's basically the numerical you have to have to have 2 per 300 square feet or whatever but then it says any off street parking that is provided however shall meet all the requirements as set forth in Article IX, Section 1.1. In terms of our...contradictions by the way that doesn't include the handicap issue so we either got to fix that or...so you go back to 1.1 and this is on page 30 by the way and C says no parking for non residential uses would be permitted within the front yard of any residential district. So it's not..."

Mr. Ford stated, "That's one thing this is a residential district zone because I didn't see it marked on the..."

Mr. Williams stated, "The way possible around this and we deal with that because see the church would be a non-conforming use but it's a permitted non-conforming use so we didn't know how to address that other than the covenants in the agreement that they have with the church."

Mr. Superczynski stated, "The problem with it is...the existing parking spaces if they're lined and if they're...what's the status of the parking now on that driveway?"

Mr. Williams stated, "We really don't need additional parking they're not upping their permanent staff and changing the number of volunteers its more to accommodate the church at their expense they're going to take down those threes and where the driveways damaged and everything and they said boy it would be nice if we could get some spaces and so I didn't want to show spaces that we're conforming but I could get rid of lines and church refer to it as a widen driveway but we tried to show conforming spaces because the church is a non-conforming use any way."

Mr. Ford stated, "The reason for that requirement is basically because of the neighbors and the neighbors are the ones that are requesting..."

Mr. Superczynski stated, "The problem and this is something that comes up in terms of your deliberations. Think about it this way there are something's in Zoning Ordinance where you're given some leeway to make judgment calls and then there are something's where it kind of just says A=B and there's not a lot of room around that now the one issue that says you can't put a parking space within 5' of property line is essentially a setback and perhaps that's something that could be looked at by Board of Appeals not that these folks are going to want to go to Board of Appeals over what is essentially is kind of like winging it parking spaces so if you approve a site plan with delineated spaces on it you're approving something that is not compliant with the Zoning Ordinance so that's your call. If it's not delineated on the formal site plan and people just happen to use that extra wide driveway as parking then it's no different than what's happening now from what I understand."

Mr. Williams stated, "If there is anything good for us the existing drive went by there and the church couldn't use and they couldn't really use it because it's just a passageway so in effect it's a net improvement."

Mr. Cubbedge stated, "If it's not marked is that still...six spaces..."

Mr. Superczynski stated, "The way people park without lines, no."

Mr. May stated, "If it's not marked there are no spaces."

Commissioner Terpkko stated, "But then again that parking is only going to be used on Sunday's..."

Mr. Superczynski stated, "The other issue is when you have a judgment call to make you can go ahead and look at what's on the site now when they're talking about the district it doesn't talk about the land use it specifically references the zoning district."

Mr. Cubbedge stated, "How about we get rid of the marking line?"

Mr. Williams stated, "Done."

Mr. May stated, "Just for clarification churches are permitted uses in R-2."

Mr. Williams stated, "Permitted but non-conforming?"

Mr. May stated, "No..."

Mr. Williams stated, "It actually is a permitted use in a R-1 zone?"

Mr. May stated, "Oh yeah R-2, in R-2 that's what it is so it's permitted. I didn't want Mt. Carmel thinking..."

Mr. Williams stated, "The markings are gone, it's a driveway just where we took out the trees."

Mr. Ford stated, "Do you have something that you can clarify on this?"

Mr. John Dowling stated, "Yes, I'm John Dowling I'm incorporator for Our Lady of Mt. Carmel Church. I'd just like to verify something's if I could. The town knows that our population here is growing...I'm representing Sister Joan tonight who couldn't be here. Whether or not you all have observed that the population is growing here at church and every Sunday at the 11 o'clock people are parking anywhere, on the grass. We had an affair and it had to be raining and someone got stuck in the front yard, they were actually tearing it up so when the ambulance company came with this proposal we saw an opportunity because the Arch Bishop of Baltimore did not want to sell the property so we worked up this agreement where they would give us a little more space with the blacktop to prevent people from tearing up and parking on the yard so if at all possible if we could delineate these lines that would solve a lot of problems because if we don't put lines they're going to park, take up three (3) spaces when you have six (6) and then they'll be parking on the grass. Why is it the town can't override that little ruling. The lines are kind of critical for our...and who wants to have the front yard torn up and people if they can't park have no sympathy where they park when they're late or in a hurry they'll drop that car anywhere and run. So that's something if you could try to work that out."

Mr. Ford stated, "Our dilemma is that this is a requirement of the Zoning Ordinance so we really don't have the authority to waive that as Mr. May or Mr. Superczynski mentioned you would have to go to the Appeals Board and that would be a separate formal meeting."

Mr. Dowling stated, "That's kind of strange because the church itself has blacktop in the back, you say you can't have it that close to the building but they're right up to the building in the back."

Mr. Kinnaird stated, "It's the property line that's the issue."

Mr. Williams stated, "I think they're working with us John."

Mr. Dowling stated, "Okay."

Mr. Williams stated, "I think they're working with us and it'll be fine and I'll contribute three (3) signs do not park in the grass once we get it done. That's what caused the problem."

Mr. Ford stated, "Are there any other questions?"

Mr. Kinnaird stated, "Since you're eliminating the current drive down the north side of the building then it looks like your extending the driveway for the church up the hill a little bit to accommodate entry to the back of the ambulance building is that right?"

Mr. Williams stated, "Yeah, just to get around the back."

Mr. Kinnaird stated, "So they can come in and make a turn down onto the existing church driveway?"

Mr. Williams stated, "So instead of having that sharp turn which was kind of impossible to get down the existing driveway now it will flow onto the church driveway."

Mr. Kinnaird stated, "And will you address the shrubbery or the shielding issue of the..."

Mr. Williams stated, "The trees basically they moved a couple of times but the church we're going to put big trees I think two (2) in the back and one in the front and then any shrubbery we'll work with the town we just have that little area that the church ask us to save that little stonewall so we're not going to put any trees or anything there so it's going to be low cover so there should be nothing to obstruct vision."

Mr. May stated, "I would point out also that if there are no parking places then the screening of adjoining residential is not required."

Mr. Kinnaird stated, "That's a good point."

Mr. Superczynski stated, "The reason I brought up initially that one comment about the maple tree it says one (1) at the driveway entrance now does that mean the driveway entrance where the ambulance property enters the church property about halfway back or is it up at the front?"

Mr. Williams stated, "Yeah basically they first wanted all three (3) there now I think they want one (1) somewhere near the church and 2 back here but nothing up here."

Mr. Superczynski stated, "Okay because the agreement implies that. The agreement implies that there is one (1) up front at the driveway entrance. I'm just not sure what entrance and what driveway so if that..."

Mr. Williams stated, "This is their entrance that they've always had over there but what we'll do if we put it in we'll put it well back behind the setbacks. In other words they may still want one there but we won't put it anywhere where it's a site issue."

Mr. Kenney stated, "John they've requested that those trees be back along the shrubbery back by the graveyard area."

Mr. Williams stated, "All three (3)?"

Mr. Kenney stated, "Right, we're thinking as an exit or an entrance there by the railroad tracks and they didn't want a tree there they actually want it back along the shrubbery at the straight way."

Mr. Kinnaird stated, "I think you may be referring to item E on the plat which is the tree to remain undisturbed which is basically at the new entrance into the driveway at the ambulance building."

Mr. Superczynski stated, "I'm referring to the easement with the church. Item number four (4) in their agreement so either this is not in keeping with what they show on the site plan or its just I'm not understanding...I'm just pointing out..."

Mr. Williams stated, "Well we'll make sure we clarify that because..."

Mr. May stated, "The copies we have, have not been executed."

Mr. Williams stated, "And I think in the executed copies they wanted all three (3) in the back and we'll make sure that they provide you the executed agreement."

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

Mr. Williams stated, "They are well represented here tonight if you have any questions for the ambulance company."

Mr. Ford stated, "Mr. Kenney do you have anything to add?"

Mr. Kenney stated, "Not unless you had some questions that you would have or something."

Brief board discussion.

Mr. Ford asked for public comment.

No response.

Commissioner Terpko stated, "Are they going to find out about that Forestation fee?"

Mr. Kinnaird stated, "I think they're just going to go along with that until they find out whether it's necessary or not is that correct?"

Mr. Williams stated, "Yes, and if we have to pay it we'll just pay it and..."

Mr. Kinnaird stated, "And if you get reimburse...if not its going to be an expense you're just going to accommodate either way."

Mr. Williams stated, "Exactly."

Mr. Ford stated, "On the County comments all we can do is list them as a condition."

Commissioner Terpkko stated, "And their grease trap is going to be able to go inside the building?"

Mr. Williams stated, "I think it will from our initial talk to the Health Department for additions but we'll follow whatever the Health Department requirements are because this is not like a commercial restaurant that's in use all the time its less frequently used and there are different requirements on a addition as a new building so I'm going to...when we submit for building permits we have to submit..."

Commissioner Terpkko stated, "I'm just hoping you don't have to go outside."

Mr. Williams stated, "Yeah it would be nice to do it inside which is the way they've always done it but some new restaurants they require it outside."

Commissioner Terpkko stated, "Well when Little League upgraded they put one inside."

Mr. Williams stated, "I think we're going to be small enough that its not going to be an issue."

Mr. May stated, "I would point out also as far as the grease trap is concerned the town staff would like to see that improvement as well in conjunction with the County of course."

Mr. Ford stated, "That's on the town staff comments."

Mr. Cubbedge stated, "When you move the propane tank is that going to be underneath the asphalt or on the outer loop of that asphalt on that driveway?"

Mr. Williams stated, "It will be actually underneath, it will be buried."

Mr. Ford stated, "Any other questions or comments?"

Mr. Kenney stated, "As far as the parking was concerned you were saying about we need one (1) handicap space and currently do have our one (1) handicap space in line there on the ambulance side so it actually does conform with the additional space that you were looking for on the church side so we do already have that in place."

Board discussion.

Mr. Ford asked for a motion.

Mr. Kinnaird made a motion to approve the Site Plan for Thurmont Community Ambulance Service conditionally with the following requirements and they feel with

these requirements their site plan does meet all of their requirements for site plan approval.

- 1.) All Municipal and County comments be addressed.
- 2.) Waive the lighting grid requirement that required that the lights be positioned no higher than 20' on the sides of the building.
- 3.) Waive the requirement of the architectural plan because the new addition will be identical to the existing building.
- 4.) The signage requirement be waived if the signage remains the same. It can be moved but not increased in size.
- 5.) The 20' drive be put in place without marked parking spaces.
- 6.) Any plantings made are guaranteed for two (2) growing seasons.
- 7.) Delineate pedestrian walkway in front of the apron part of the building.

Mr. Cubbedge seconded the motion. Vote – all for. Motion carried.

Mr. Ford stated the next agenda item is the Guardian Hose Company Addition. He turned the meeting over Mr. Superczynski for staff comments.

Mr. Superczynski stated, "I don't have any substantial comment on the addition plat other than the zoning and the notes that says the site it zoned B-2, that's more or less a technicality we call it T-B now. One thing that was submitted a couple of days ago by Loiederman was in addition to the addition plat material revised site plan so I was able to spend a few moments with that but not a lot of time. The one thing I did notice that was still missing from our original approval of the site plan was I believe we asked for sign plan or some sort of illustrated idea of their signage and I don't know if that's come in yet but the site plan that they submitted has everything else I think that we requested at least on the site plan level. They put in all the detail that we ask for. I don't know if town comments were addressed in terms of the technical details but they've got those specked out on the site plan as well as..."

Mr. May stated, "Our comments only address the Addition Plat."

Mr. Superczynski stated, "Okay, but they have everything else in terms of fire lane signage and some of the comments from the other County agencies as well. So in terms of the addition plat I think everything looks fine."

Mr. May stated, "We had one comment they should show the sewer line easement that runs through the property. We would appreciate see that on the recorded plat."

Mr. Ford stated, "Any questions for Mr. May or Mr. Superczynski?"

No response.

Mr. Ford stated, "Anyone representing the applicant?"

Mr. Jeff Hammond stated, "I'm Jeff Hammond with Loiederman's. Sorry about the zoning that was tough to figure that one out what it was I had a 50/50 chance. The sewer easement we actually have added I have it sitting on my desk as opposed to here I apologize I can get that to you tomorrow. It's a 20' easement 10' on each side going across the property and the existing line is shown."

Mr. May stated, "I would just suggest that with your approval they could go ahead and just show that on the Mylar's and we could get that accomplished we could review it at that time, save a step."

Mr. Ford stated, "Any questions for Mr. Hammond?"

No response.

Mr. Ford stated, "Any discussion or are we ready for a motion?"

Mr. Cubbedge made a motion to approve the Addition Plat for Guardian Hose Company Addition to Guardian Hose Company as long as they remain in compliance with staff and County comments. Mr. Kinnaird seconded the motion. Vote – all for. Motion carried.

Mr. Ford stated, "Should we ask them to correct the zoning designation?"

Mr. Superczynski stated, "That's not a big deal I don't think right?"

Mr. Hammond stated, "No we can change that."

Mr. Ford stated the last agenda item was the Master Plan Update. Mr. Superczynski handed out a synopsis of the last workshop and he also had an agenda for the next workshop that will be held May 15th at the Senior Citizens building at 6:30 p.m. He stated at the next workshop they will concentrate on specific goals and objectives. The three goals that will be discussed will be Economic Character, growth and land use and town services and infrastructure. A discussion was held.

Mr. Ford stated the Public Hearing on the Civil War Heritage will be held on May 10th and the next Planning Meeting date will be May 25th.

Without further discussion, the meeting adjourned at 9:14 p.m.

Respectfully submitted,

Rebecca E. Sharer-Long
Recording Secretary