

The regular meeting of the Thurmont Planning and Zoning Commission was held on Thursday, May 26, 2005 at 7:30 p.m. Present were: John Kinnaird, Vice Chairman; Commissioner Muth; Randy Cubbedge; Jeri O'Neill; Denis Supercynski; Rick May; Jim Brown and Frank Free.

Mr. Kinnaird welcomed everyone to the May Meeting of the Thurmont Planning and Zoning Commission. He stated the first item on the agenda is the approval of the March meeting minutes, April meeting minutes were just received they will be on the agenda for approval at the June meeting. Mr. Cubbedge made a motion for the March minutes to be approved as presented. Mrs. O'Neill seconded the motion. Vote – all for. Motion carried. The next item on the agenda was the Zoning Inspectors report Mr. Kinnaird turned the meeting over to Mr. Brown.

Mr. Brown stated, “There were twenty four (24) zoning certificates issued from April 25th to May 24th 2005 for three (3) residential additional additions, one (1) commercial addition, one (1) commercial accessory use and nineteen (19) residential accessory uses. The total zoning certificates to May 24th 2005 is one hundred and seven (107) compared to one hundred nine (109) for the same period in 2004. Zoning Certificates have been issued for twenty nine (29) single family dwelling units thus far in 2005 and this compares to seven (7) for the same period in 2004.”

The next item on the agenda is the discussion of the Master Plan update. Mr. Kinnaird turned the meeting over to Mr. Supercynski.

Mr. Supercynski stated, “Okay you guys were pretty much in agreement on most of the questions on the resident questionnaire draft that we had put together via email over the last few weeks. I’m going to run through this very, very quickly and just point out some of the issues that remained and hopefully I can get some guidance and if I don’t I’ll just make it up (laughter). (See attached questionnaire.)” The board reviewed the questionnaire. Denis will be revising the questionnaire for the next meeting.

Mr. Supercynski gave an up date on the Library. He stated, “There was discussion about the setbacks at the last meeting about clarifying what the setbacks were and we did come to a consensus on the what the height requirement did to the setbacks it basically increased the yards all around the building so they went to the plat that had been drawn up and the boundaries, the property boundaries were too tight they didn’t actually take in the required setbacks and there was also some issues regarding definitions. How we define our rear yards in Thurmont in the Zoning Ordinance there are many interpretations. We don’t have any illustrations that would show you what it means and because it was an odd shaped building on a corner lot it further muddied the thing a little bit so basically what I did is I did the most conservative reading of the yards that would be required and ask the fellow from Adtek to go ahead and draw up the plat that way and that’s what he’s doing and he’s giving himself a few extra feet just in case there’s a goof.”

Mr. Kinnaird stated, “So then basically the lot lines will then be adjusted to accommodate the requirements is that my understanding?”

Mr. Supercynski stated, “Yeah, yeah because there was nothing really...and the only thing that I guess is important to impress when we turn this land over to the County we’re really cutting off real access to that land at least on that part of town. We’re going to have...we’re retaining an easement basically back to there’s a pump station or a well house and that is going to be your only real access. That property pending an improvement to Thurmont Boulevard so just keeping that in mind the...”

Commissioner Muth stated, “Well we can still get in the driveway to the electric can’t we?”

Mr. May stated, “Yes.”

Mr. Supercynski stated, “Yeah and that would be...”

Mr. May stated, “No, there’s another easement that runs in back of this property for the well house. We still have the shared...there will be an access easement for the substation and any thing to that.”

Mr. Supercynski stated, “It’s just a flag that went up from the folks putting the plat together is to make sure that everybody was doing this with eyes wide open.”

Mr. Kinnaird stated, “So whose responsibility then is the shared access that will go through the parking lot to the substation? Is that shared responsibility as far as maintaining it?”

Mr. May stated, “We haven’t gotten that far as maintenance agreements or anything like that.”

Mr. Kinnaird stated, “I’m curious as far as the maintenance of it probably more of that would fall on the town than the library I would imagine.”

Mr. May stated, “Well not necessarily it would be an equal thing and if we get really luckily and...”

Mr. Kinnaird stated, “Take all of it.”

Mr. May stated, “That’s correct.”

Commissioner Muth stated, “We have to be careful about that because wasn’t there...didn’t we think there might have been an issue with Thurmont Boulevard going through wetlands.”

Mr. Supercynski stated, “Well the comment from the folks doing the development at this point not withstanding the wetlands issues that are out there just about how much of the land is wet the comment was the folks doing the regulating for the wetland areas were going to want to know...they were not going to be...they didn’t want to see a piece meal presentation. If the town has plans for development of the site or some other you know getting rid of land some other fashion, developing Thurmont Boulevard, building a public facility out there whatever it is that they would want to see some sort of a Master Plan so that they could resolve the wetlands issues at once instead of doing a piece meal which is really that would I think back them into a corner in terms of coming up with mitigation.”

Mr. May stated, “And I’m not sure I understand your comment a few moments ago...”

Commissioner Muth stated, “I thought I remembered in one of the meetings when they were just talking about Thurmont Boulevard and extending it when the library had to be put...it was going to be back farther that there was an issue with Thurmont Boulevard maybe either couldn’t be built or it was going to be really expensive because of the wetlands.”

Mr. May stated, “It would have to be mitigated, it could have been built but that’s a non issue now, it’s not going in.”

Commissioner Muth stated, “Well that’s right but it may have to go in if we put a public works building back there.”

Mr. May stated, “No.”

Commissioner Muth stated, “Or then we have to have a good agreement with the County for the right of way on the road to the electric plant.”

Mr. May stated, “That will be on the subdivision plat. That access will be there the issue then becomes the maintenance agreements and shared responsibilities that’s a whole different agreement as I understand it.”

Commissioner Muth stated, “Okay but I guess my point is if we’re going to do that then they have to be aware that that could be a road for us as opposed to...”

Mr. May stated, “They are aware of that.”

Commissioner Muth stated, “Okay I mean it’s not going to be just like maintenance to the electric it’s going to be used. If we build a building back there we’re going to have to use that as a road not just ...”

Mr. May stated, “For access to the property, yes.”

Mr. Supercynski stated, “We’re talking about this area to the north of the library building site (Mr. May showed Mr. Supercynski the location).”

Mr. Kinnaird stated, "They have unimpeded use of that driveway."

Mr. May stated, "They've accommodated that onto the property."

Commissioner Muth stated, "My only point is they need to be made aware of this it's not just going to be intermittent access it's going to be used."

Mr. Supercynski stated, "The way it's shown right now and this I think is part of the concern there's a...it looks more like a road okay than a driveway but then it gets up to right next to the building and there's a dumpster pad and it sort of becomes like a path. It basically resumes what's actually out there now and that was a concern to the engineer doing the plat and thinking down the road if there is going to be something else back there to at least be thinking about it and it sounds like you have in terms of at least in terms of the maintenance agreements."

Mr. May stated, "Well we haven't really gotten that far but on this plan you'll see that it turns into here. This is the actual stone road that goes back in back of here so they've accommodated that here okay."

Mr. Supercynski stated, "But I guess the thought was that this becomes a major facility for the town it might require more than what's being shown. This is probably adequate what we have right here this leg. When you get to this point..."

Mr. May stated, "Well that would be ours."

Mr. Supercynski stated, "Okay, but the thought is the town would improve it..."

Mr. May stated, "From this point. They would do this and then we would do whatever is necessary here. I don't know with what we intend to use it for I don't know that it would really need that much improvement. I mean if we did say it's going to be used, it's going to be used for the public works vehicles but I don't know that's its going to be..."

Commissioner Muth stated, "We'll it's not going to be an occasional use road its going to be just like traffic that comes in well not as much traffic as comes here but there's quite a bit of traffic that goes to that public works building everyday. People that park here, work here."

Mr. May stated, "Right well and the ideal would be once they go down there they park, they take the vehicles and they go out."

Commissioner Muth stated, "Right."

Mr. May stated, "So it would probably not...my guess is it probably would not be as much traffic there as it is here."

Mr. Cubbedge stated, "Rick the 13' where it becomes that gravel section there is that going to get...will we have to improve that wider so we can get passing vehicles and stuff or..."

Mr. May stated, "I would imagine so. I don't know...the 13' here in this area I think would be okay. I don't know that we're going to have a lot of passing in here."

Mr. Cubbedge stated, "Right. We would make the passing farther down heading towards the..."

Commissioner Muth stated, "I mean we're only talking about them having another dumpster pad if they have to a little farther down the road. We can have Joe take a look at this and see what he wants and ask the library to do it."

Mr. May stated, "I don't see this as a...you're right we can have them look at and see."

Mr. Cubbedge stated, "It's just if they get a truck to turn."

Mr. Supercynski stated, "As part of the conveyance or legal...or as part of the maintenance agreement I think we should probably have a clause in there that says nothing...I mean you're going to have to...nothing should happen that's going to preclude..."

Commissioner Muth stated, "They're certainly going to need to take tractor trailers back."

Mr. Supercynski stated, "Right and what's there now I don't think handles it. I think it's probably smart that we at least have them move the dumpster pad at the beginning."

Mr. Kinnaird stated, "So then as the town when is the town then going to sign off on the plat there's a question the architect seemed to be asking about a month ago."

Mr. May stated, "Denis and I talked about doing a letter to them and once they get that then they will come before the town to make sure everything is okay so we can address some of these issues."

Mr. Supercynski stated, "It's been through two or three revisions. The last one we basically got ironed out yesterday so he then forwarded a new one today which I think meets all the requirements at least from the zoning end of things so I think we can respond now that the plats ready to move forward at least as far as the setbacks and the lot lines goes so. I'll send a letter for that."

Mr. Cubbedge stated, "And they're still looking like they're within their time line?"

Mr. Supercynski stated, "They're using the time to trim the budget."

Mr. May stated, “Let me clarify that’s to trim the construction budget, not the funding, which will probably impact the other one but I just wanted to make sure that you didn’t misunderstand that they’re not cutting the...”

Mr. Supercynski stated, “They are cutting a few like there was some issues with the wetlands they’re cutting back what they can the materials will be a last resort I think in terms of cutting back but they’re still going ahead on the time frame that they’ve identified so.”

Mr. Kinnaird stated, “Okay anything else on the Master Plan Update or the Library site?”

No response.

Mr. Kinnaird stated the next agenda item is the discussion of proposed changes to the sign regulations. He turned the meeting over to Mr. Supercynski.

Mr. Supercynski stated, “What I have handed out to you tonight (see attached) is basically a format I’m working with both as a means of translating what we have in our sign ordinance now and plugging it in to this and then also making those changes in terms of square feet that we talked about in general basically for highway commercial type uses and then as a third item given some flexibility for folks around town in the varying districts to do what they want to do in terms of signs with a reasonable limits on how they do that. I think what we have right now is essentially we say you have a maximum area this is generally speaking. You have a maximum area of signage you’re allowed and go forth and we have very specific things for instance for institutional uses or parazines and I’m trying to keep as much of that as I can where it makes since other wise I’m trying to figure out different ways of doing it and I’d spoken to you in the past about sort of given people a certain number for a lack of word points or dollars to spend on signs and allowing them to choose, pick and choose how they want to do that and so this format is beginning to get at that. It’s adding in some categories that we hadn’t previously had in the ordinance for instance directional signs on site we...specific mention of that for each zoning district. There’s some new ones on here for instance directory signs. In downtown area we have multi sorted buildings or medical offices very often you have those directory signs. These are things that may just not have ever come up but you should have them in here so that you can if you need to restrict them that you have the ability to do that. Projecting signs, owning signs I’m trying to think everything that could possible come up and be a problem when someone wants to push the envelope in terms of their signage and I just started to plug in square footage for the commercial and the industrial districts so these are by no means well thought out numbers yet. These are just sort of my initial...”

Commissioner Muth stated, “What’s a projecting sign?”

Mr. Supercynski stated, “The signs that come out from a building more often than not they were in the downtown areas but you see them in commercial areas and industrial areas to.”

Commissioner Muth stated, “I was thinking of a light sign that’s not illuminated but it’s projecting. I mean they’re used to be on in Frederick not East Street but there’s one of the old buildings in the old part of town. The Mill where the Mill is Frederick they used to have somebody had projected a sign on the side of that.”

Mr. Kinnaird stated, “They also projected a sign on that water tower at the top of the hill at Carroll Creek for quite a few years.”

Mr. Cubbedge stated, “Would you say it’s like a barber pole?”

Mr. Supercynski stated, “I didn’t even think about that a barber pole would be a good idea of... and there’s special exceptions, there’s a whole list of the odd things. Barber poles are one of them. There’s a whole you guys have seemed to have dealt with it in terms of political campaign signs for instance there’s a whole body of case law now for speech. If somebody wants to build a sign in their front lawn that says...if somebody wants to say something that’s tasteful but has a political edge to it for instance can you restrict that and there’s actually case law now that talks about that. Basically what it comes down to is if it’s not commercial speech you allow it and if you do set restrictions you better be really sure that you can...that you’re treating all speech in the same way, all nonconforming speech in the same way. So for instance it’s okay to ask somebody to come in for permit if they’re going to put up they’re personal speech sign in the front yard it’s okay to ask them to come forward and do a permit because...especially if it’s a structure and it meets other wise it gets in to building code issues for instance. It’s not okay to say if its religious speech that they don’t have to come in for a permit and then if it’s political speech that they do. It’s intuitive if you sort of thing about it, think about it from a law suit perspective basically.”

Mr. Cubbedge stated, “Do you have to limit the size though?”

Mr. Supercynski stated, “For personal speech...I’m just going to bring you a packet because the stories are actually pretty good.”

Mr. Kinnaird stated, “There was a house close to here that was basically a gigantic political sign. Do you remember that one in Lewistown did you ever see that one? It was right on the corner on the right had side there was a house that was basically one gigantic political statement and there was writing on all four sides of that house.”

Mr. Cubbedge stated, “Was it against the builder?”

Mr. Kinnaird stated, “I don’t remember what it was for.”

Commissioner Muth stated, “Was the sewer issue they wanted to put...”

Mr. Kinnaird stated, “This was back 25 – 30 years ago the house has been gone for 20 years.”

Mr. May stated, “Well then maybe that’s not the one I’m thinking about.”

Mr. Kinnaird stated, “It was a small house do you remember that Frank?”

Mr. Frank Free stated, “No I don’t.”

Mr. Kinnaird stated, “It was covered in some kind of political statement. I remember it as a kid.”

Mr. Free stated, “Where was it located?”

Mr. Kinnaird stated, “When you go to Lewistown and you go over the hill past the church and go down to the bottom on that sharp right hand turn it was right in that right hand turn right there. There’s a new house there but I remember and then in Thurmont there was big sign on a house up on your street it wasn’t a political sign but it was a big sign up on a house up there admonishing a business, a national business chain for the type of work they had done on this particular house. Looking at the different zoning areas there there’s going to be values for most of these signs in most of the zoning areas?”

Mr. Supercynski stated, “Yeah and where it’s not appropriate for instance like free standing commercial sign in a R-2 district and then they’ll be ones...this is cut that I just did in word but this will actually be done a little bit nicer and it will be easier to read it visually but you’ll have some things that carry across all the districts and then I intend to drop in some sort of additional items, special conditions and things like that. Ultimately what I’m trying to do is to have almost everything on this single sheet and there will probably be a third page that will have the general stuff about coming in and getting you sign permit the stuff that doesn’t really apply here but if it’s specific to a district, specific to a type of development I’m trying to get it on this sheet and I know it’s not going to be perfect, it won’t work out perfectly but I’m going to do as much as I can. Right now we have four pages of signs so I’ll try to eliminate a page of text in the zoning byline and hopefully make it easier for folks to follow along to because this way you can basically say I’m putting up light manufacturing use in industrial district and you can just go right down the list and say okay I can get a wall mounted sign, a directional sign, a window sign and awning and just know immediately what you need and it will reference any sort of odd ball things that you have to reference right from this chart and it should make it a little bit easier and also make it easier for you guys to sort of decide where you want to draw lines of not in terms of the stuff that you haven’t thought about yet.”

Mr. May stated, “Would it be appropriate for us to talk to Main Street Organization now and see if they have standards I’ve heard at some of the seminars that they know

what works what doesn't work if we could get some feedback on these issues now maybe we wouldn't be a odds down the road."

Mr. Kinnaird stated, "Certainly prorated that into the creation of it."

Mr. May stated, "Right at least look at it and see if it could be incorporated. I think it would be..."

Mr. Kinnaird stated, "Yeah there was actually a seminar offered on that through the State."

Mr. Cubbedge stated, "Are you saying the design type?"

Mr. May stated, "Well it maybe design type it maybe it maybe size who knows I'm just saying lets find out and just see where we stand."

Mr. Supercynski stated, "Well like the Main Street folks won't be saying anything you can do to encourage activity on your main street is healthy so they were some of the first folks to start urging people to do...set table out on the sidewalk you know for cafes use sandwich board signs because it's something that shows...well those all fly right in front of the Zoning Ordinance truck as it's barreling down the road so it helps to work those out. I've thrown in sandwich board signs in which I'm sure is just a...that's always a good issue to..."

Mr. Cubbedge stated, "The directional signs in the R-1,2,3 area where we have the ball fields and they decided they wanted to put a sign up for the Little League Field or whatever will we be able to put dimensions in that and it would be allowed to be put in if it would be dimensional at that point."

Mr. Supercynski stated, "One thing there's a blank row in there to. There's generally signs that are not on your property that are advertising your activity which is this whole other category so billboards, you know the shaving cream billboard but your not selling shaving cream on the site that kind of thing with a church or even for commercial and industrial users getting trucks into a location they might have to put a sign on somebody else's property so the way to do that and encourage it in a healthy way is to set the restrictions and basically establish the category. We can talk about how...you guys have some really well thought out things about the subdivisions signs and some of the other stuff in the residential so when I start plugging that in and thinking through the whole thing I'll come up with some guidelines for the directional signs and you guys can let me know whether I'm off base or whether it would be to permissive or to restrictive."

Mr. May stated, "And the that's a point well taken we have had strict interpretation of the Zoning Ordinance right now would in fact label those signs that Denis was referring to as bill boards and they're not permitted period. And that has created a few concerns. So if we can address that that would be even better and I think you know just getting

anything we can do in that respect to get people through town to where they're going with minimum hassle so much the better."

Mr. Kinnaird stated, "Commissioner Blakeslee was talking about the signs and indicating where the industrial areas are."

Mr. Cubbedge stated, "I can't tell you the amount of times I've been out in my yard can you tell me how to get to the little league fields? Those questions I get all the time but if we could put a sign out there even at that end of the area and right now that can't be done because that would be considered a bill board."

Mr. Supercynski stated, "You know setting reasonable limits here then stops an abuse if somebody does..."

Mr. Kinnaird stated, "Can I ask a kind of a general sign question. When you talked about these types of signs you obviously were talking about exterior signs now at what point would you consider a sign that's inside the building to be intruding into the exterior space? I notice that on here it says electronic message board signs, rotating signs, signs with flashing lights, signs with elements resembling traffic control devices..."

Mr. Supercynski stated, "Okay something in a store front window that's flashing or..."

Mr. Kinnaird stated, "Do you then disallow this type of signage in the store front that's obviously facing outside, because there's a lot of small business that have these electronic message boards that are in their front windows and are they counted then as signs?"

Mr. Supercynski stated, "That might have to be something that we talk about. Right in here we have...they specifically in this model of use talk about painted window or door which basically avoids the whole question of the temporary banner the Budweiser banners that your given or anything that's animated or like those the scrolling text signs and most ordinances avoid dealing with it if it's inside the building, if its behind the glass. So if you guys are up for dealing with that I can certainly show you a way to regulate it."

Commissioner Muth stated, "I remember years ago in Gaithersburg there was businesses that had big store fronts and they put in, they covered the front windows with signs and the town started regulating it."

Mr. Kinnaird stated, "Car dealerships are still a prime example of those kinds of things. At what point is it a sign I mean if it's up for three or four days and then you scrape it off is it not a sign and some of them are left up for months on end."

Commissioner Muth stated, "I'm not sure but I thought in Montgomery County any kind of flashing sign that could be see from the road was illegal, just for safety reasons."

Mr. Supercynski stated, "That's generally how it's been interpreted on sort of the one end of things. If you can see it from the roadway including your entrance and exit onto the property then it's considered a distraction. I think there was one..."

Mr. Cubbedge stated, "Strobe lights were a big one."

Mr. Supercynski stated, "Where I just come from they had...and you've probably seen them down here the billboards that have little reflective pieces that are animated on they're actually really cool but they are distracting and in this one town a couple of different businesses had put these things up they were not on billboards and it didn't get pushed to the edge until one of them was sort of mimicking a traffic signal and then...I remember seeing that for the first time and thinking what are they thinking. I mean it was sort of frightening but you can certainly talk about it specifically you can talk about specifically the window sign and talk about animation, flashing lights, strobing."

Mr. Kinnaird stated, "Not that I'm against them I just wanted to know what extent that you felt that you would control signage."

Mr. Supercynski stated, "Oh I'll leave the totally up to my elected and appointed officials."

Laughter.

Commissioner Muth stated, "The other question is if a business makes what could be considered signs and they're out in front of the business waiting to be loaded are they signs?"

Mr. Supercynski stated, "There's a whole other body of out door storage of materials and given some leeway for temporary storage or pick up some deliveries and some ordinance I'm not even sure if we have it limit who much you can store outside or if has to be covered or whatever but I don't think anybody would...although you could be really savvy with that."

Commissioner Muth stated, "And then the last thing is way off the wall do we have to even say anything about Colorfest or do we just ignore the ordinance during Colorfest because all the food vendors and stuff that set up..."

Mr. Cubbedge stated, "But those are temporary structures."

Mr. Supercynski stated, "The empty rock is going to have to deal with stuff like that. There's the temporary banners there's public or community signs that are put up by local government or quasigovernmental institutions or nonprofits there's obviously the Colorfest and I haven't even been to one but I've seen photographs I know what you're talking about."

Commissioner Muth stated, "No you don't, you've see photographs."

Laughter.

Mr. Supercynski stated, "I've seen signs that..."

Mr. Cubbedge stated, "The carnival so those kinds of signs when they go up well have to...but I would think that that is a temporary event and when I mean temporary it is structurally limited."

Mr. Supercynski stated, "I would treat that like a yard sale sign. Have a separate...because it's Thurmont have a separate category for it and call it that, event signs and talk about the different types of event signs you can have. Don't limit it just to the official ones but extend it out to the people who are selling stuff and who are advertising stuff during that event and as long as its temporary 10 days is typically the reasonable limit for a temporary sign or banner in the town I lived in if you had a banner up including the ones that sort of went over the streets and stuff like that you had to come into the select board and get a special permit for that and those were 30 day permits I think and that was because of the traditions up there and how long these were hanging up so we'll construct something that works to allow what it is you want to allow for Colorfest and make sure it doesn't allow a loop hole for other times of the year if you don't want it to."

Commissioner Muth stated, "I guess my point was that at Colorfest we really can't enforce it anyway."

Mr. Kinnaird stated, "By the time you got around to enforcing it, it would be over."

Mr. Cubbedge stated, "Well the same thing with the gentlemen that do the auctions. It's a structured limited time."

Mr. Supercynski stated, "Do folks get permits like say vending permits or something?"

Mr. Kinnaird stated, "For Colorfest, yeah."

Mr. Supercynski stated, "So they're already regulated that way so presumably if they had a dangerous structure or something you would catch it at that point."

Commissioner Muth stated, "I'm not sure we'd inspect what they put up."

Mr. May stated, "The Health Department will, from the Health Department standpoint but not a structural standpoint."

Commissioner Muth stated, "Yeah I mean the would happen if something...if somebody happened to notice it."

Mr. Kinnaird stated, “Where do murals... do you consider murals? Obviously there is mural that are blatantly advertisements. Do advertising murals come in to this...where would they fall in here?”

Mr. Supercynski stated, “I would consider it a wall mounted sign, even if it was applied on the surface. If it’s commercial speech I think you have the ability to step in and consider it a sign. If it’s noncommercial speech then...”

Commissioner Muth stated, “So if it’s a mural as opposed to advertising then its...like what’s in Frederick right some of them on the sides of some the buildings.”

Mr. Supercynski stated, “And I suppose there could possibly be a situation where you create a visual hazard, I can’t think of any but maybe would use reflective paints or something or something that appeared to be animated, maybe there’s some where you paint a roadrunner type...(laughter).”

Mr. Kinnaird stated, “So then murals would be in under free speech and it wouldn’t be covered by these unless they were actually a commercial mural.”

Mr. Supercynski stated, “Or unless it required a building permit for a structure of some sort.”

Mr. Kinnaird stated, “Any other questions or comments on the sign regulations? Do you in vision another month and you’ll have more of these filled out and then we can sit down and actually discuss the square footage and go over the details of each.”

Mr. Supercynski stated, “You got it. In the mean time if you get any ideas, thoughts or whatever if you would email me or scribble them down and call me up.”

Mr. Cubbedge stated, “And this would go for any future...in other words if you go one that’s existing here now would this fall into that category.”

Mr. Supercynski stated, “If it’s a structure then it would be a nonconforming use, a preexisting nonconforming use.”

Mr. Kinnaird stated, “And so they would all be grandfathered in and at what point then would they be not...”

Mr. Supercynski stated, “Then that’s another call you have to make at what point does fixing your sign constitute putting up a new sign and we can talk about your options there.”

Mr. May stated, “Typically I think the ordinance now references a 50% ...but that’s always been applicable to a major structure...in other words you could have some that would be nonconforming with minor repair it’s going to be there forever.”

Mr. Cubbedge stated, "I'm thinking the awning type sign. If you lose one it rips whatever would that give them the right to replace or does that individual now awning become nonconforming."

Mr. Kinnaird stated, "I think the awnings wouldn't even apply there because they're put up knowing that they have a shortened life span basically so you would have to expect to rebuild them or to renew them every so often."

Mr. May stated, "You're saying an awning sign."

Mr. Cubbedge stated, "Awning sign you can replace the awning put do you have to replace the sign on that awning."

Mr. May stated, "We're saying that these would be permitted uses."

Mr. Cubbedge stated, "What would be allowed as a primary ID. I'm looking at General Business. I'm referring to CVS every awning has a different form of advertisement."

Mr. May stated, "And I think that's another issue that would need to be talked about because some people would argue that the fact that they have photo on there doesn't necessarily advertise specifically the CVS. If it doesn't have the logo...and then you have other things the menu board references a brand name but we don't necessarily count that. All those things need to be talked about. We're saying now that menus would be okay."

Commissioner Muth stated, "The drive thru's at the fast food does that count?"

Mr. Supercynski stated, "Yeah you got to acknowledge those kinds of things that are just set...I go to go back out...I go some standards for some of those things that are already outdated so I got to go out with a tape measure now and figure out what the standards are now for these things but for like the CVS or another major chain who is putting up a building that had awnings with various language on it. The big boxes do it the small businesses do it all the time. The Awning sign I think in general you would want to permit awning signs as primary signs instead of building mounted or other signs. I think it's just a more familiar kind of a sign particularly in your downtown area but you wouldn't want to promogate these things all around the building just for the sake of advertising so the point is your allowed to have one as your primary ID sign but not...and then they'll be a caviote on here about like marking an entrance or an exit because the awning signs are actually pretty good for that but the kind of stuff that happens now it's a sign, it's a commercial sign."

Mr. Cubbedge stated, "I mean flat out we know what that photo...we know what you're advertising your advertising that you do photos, you do pharmacy that you do etc., etc., etc."

Mr. Kinnaird stated, "You're just going to argue that as a directional sign though. Your indicating..."

Mr. Supercynski stated, "Then they have a height limit and they can't use that as an awning."

Commissioner Muth stated, "Something that came to the Planning Commission years ago when Roy Rogers came they wanted to put Roy Rogers on the wagon."

Mr. Kinnaird stated, "On the playground wagon?"

Commissioner Muth stated, "Yeah I mean the canvas part of the wagon."

Mr. Muth stated, "But see that's different because that is actually the logo but where is this doesn't really address that it's a different kind of thing."

Mr. Supercynski stated, "But you can't differentiate what you would end up getting into is if somebody wanted to spell their name out over a series of awnings or other devices over the entire front of their building no single element constituted a sign because it didn't include the company colors or...you have to really...my opinion is you have to really...this comes down to a philosophy thing I think you come down really hard on those kinds of things but in exchange for that allow some options for folks so that they can get out there and do what they want to do in terms of advertising their business within reasonable constraints. I think you set these things up all of our laws in general are there for the worst case...so I think it's...you have to look at this from your experience of what came through already to try to catch the majority of the things that we think would be a problem and we're going to guarantee it if you adopt a brand new sign ordinance with...somebody is going to come to you, something didn't feel right about it."

Mr. May stated, "In the first year and a half to two years we'll have a tremendous increase in Board of Appeals cases."

Mr. Kinnaird stated, "Alright anything else on the changes to the Sign Regulations?"

No response.

Mr. Kinnaird ask for any public comments.

Mr. Frank Free stated, "My name is Frank Free from Hammaker Street. I addressed this issue to the Town Commissioners the other night and then I thought well maybe it actually it might be good to bring it up before the Planning and Zoning and it's the policy of issuing Zoning Certificates to specific developments and I think the policy now reads that they issue 25 per year and its basically on a 1st come 1st serve basis. Which means that one individual could come and take all 25 allowing no more, no others to come and build in that particular division even though they might own property in there and I could

have been sitting on the board myself the Planning and Zoning Board when that was put in to place because I can't remember when it was put in place."

Mr. May stated, "You were."

Laughter.

Mr. Free stated, "But I didn't have enough insight to see this but since the issue sort of takes place in my own situation it sort of comes to light and that is I didn't know whether it could be...is there any way it could be amended that some how that they would release on a staggered basis to give someone else an opportunity to take or get, come in and request a permit or not..."

Mr. Kinnaird stated, "The problem with that even if you did it on a staggered basis you would still have...you would have the same issue at each time you issued the permits first come first serve."

Mr. Free stated, "And you're probably right."

Mr. Kinnaird stated, "So all you need is someone to be here to get in line first in either situation either once a year or five times a year and you would still have the same problem really I don't think that would be an answer to the issue you have. I think the answer is you just have to be here before anybody else shows up."

Mr. Free stated, "How about could it possible be some way that they could with hold just x number amount just for that purpose when they know that development is not owned by one single developer."

Mr. Kinnaird stated, "But then the issue then would be well how many would you hold out would you hold out three and then you would be the forth person here and you would still loose out so that's..."

Mr. Free stated, "That I understand."

Commissioner Muth stated, "Could it go before the Board of Appeals if you wanted to exceed the 25 or is it not appealable?"

Mr. May stated, "No sir."

Mr. Cubbedge stated, "I thought about this the other night in regard to...25 but what if that person came in and applied on day one for 50% allowing a 24 or 48 hour time period for someone else then to come on in at the end of that 24 or 48 hour time period then whatever available would still be open at that point in time could then be..."

Mr. Kinnaird stated, "But you're still sitting yourself up for the same basic problem is then you could argue well I needed 72 hours as opposed to 48 hours."

Mr. Cubbedge stated, "What I'm looking at is this if I'm the first man in here in other words I come running in the door here and I want to take all 25 permits I can take all 25 permit and it doesn't allow anyone else the ability at this point in time to do anything else in the town and whoever that person is now out of luck."

Mr. Kinnaird stated, "In the development it doesn't allow...only in developments. So the problem is if you buy into this program and you go into it knowing full and well that every year only 25 permits are being issued then you've already bought into the game knowing what the rules are so you could change the rules but every way you change that how do you disperse the 25 permits you're going to have the same problems when it arise again that someone's going to say well I wasn't able to make it there on time or some other reason. Again I needed 72 hours as opposed to 48 hours to prepare for this so this I think goes back to the original idea of only issuing...(tape change)"

Mr. May stated, "...is the one that went through the subdivision process who sold the lot to Mr. Free. So some where along the line that should have been communicated so that everyone was aware of that. It may not have been but I don't know how you're going to adjust it at this point in time and not create problems in the future in fact in 1994 I believe a similar issue came up where they wanted to modify the phasing of the subdivision and the Planning Commission denied that and interestingly enough Mr. Free you voted to deny it."

Mr. Free stated, "Probably."

Laughter

Mr. May stated, "But I mean it's an unusual situation there's another person in the similar situation who's indicated that they will be camped out Sunday evening."

Mr. Kinnaird stated, "Historically do we take all 25...have they taken all 25?"

Mr. May stated, "No."

Commissioner Muth stated, "As I pointed out to Mr. Free I think with the fees being what they are now somewhere in the order of \$20,000 a house between the County and ours to get 25 you need half a million bucks."

Mr. Kinnaird stated, "So you pay the impact fees at the time you get the..."

Mr. May stated, "You pay the connection fees and impact fees as the time of the Zoning Certificate application."

Commissioner Muth stated, "And I mean even for a good size builder half a million bucks is still a lot of cash."

Mr. Kinnaird stated, "This is a goofy question did you do them as a chunk of 25 or do you do them individually?"

Mr. May stated, "We'll do them individually but if he walked in here and had all the necessary drawings and paper work and had a check for that amount he's the first one here then he he's got 25."

Mr. Free stated, "As I really see it I don't think it will happen but it's just the fact that is can happen. It could lock out because what happens you only have one shot and they could lock you out for a whole year and the same thing as you said could happen next year the exact same thing."

Commissioner Muth stated, "We may want to for future subdivision think of a way out of this."

Mr. Supercynski stated, "Do you guys calculate it once a year, is it based on a calendar year?"

Mr. May stated, "It's based on an anniversary date."

Mr. Supercynski stated, "The development restriction ordinances that sort of slow down the...is basically what this is doing that work on a rolling 12 month period and then you can start...basically the first of every month if you do the calculation for the previous 12 months and you can work in things like you were talking about Randy where you can sort of do the set aside where it doesn't tie the set aside up for a lengthy period of time but it mixes the timing up enough so that individuals have...any given individual has a better chance of showing up and scoring..."

Mr. Kinnaird stated, "That would be fine to institute that from today forward but how would you incorporate that into existing situations."

Commissioner Muth stated, "You can't."

Mr. Kinnaird stated, "You can't do that."

Mr. Supercynski stated, "That's what I'm saying but for future reference I think that's a..."

Mr. Cubbedge stated, "So if we have development down the road that's something we can think of."

Mr. May stated, "You can think of it...typically what's happening now is that you will have a developer come in and develop the property then you will have a builder come in. In the last few times it's been one builder takes care of the whole thing. These particular lots were sold prior to the transfer to the builder. In fact the owners retained those and

then sold them to someone else. So it certainly could be...we could look at all kinds of things..."

Mr. Free stated, "I really don't think you know it's going to personally help me but I'm thinking about in the future if somebody else may be running in to the same issue and that's the reason why I'm bringing to the attention of the Planning and Zoning Board because I can see where it can create a problem."

Mr. Cubbedge stated, "So I guess we could get kind of like an idea when the next round opens up."

Mr. May stated, "July 11th."

Mr. Cubbedge stated, "July 11th we'll have an idea if they want to come in and take 25 that the impact fees really don't..."

Mr. May stated, "Don't have an impact."

Mr. Cubbedge stated, "I guess we could work further at that point."

Mr. Kinnaird stated, "Would this coming calendar year be a time that you would be interested in building is that...is this what's making you think of this or is it the impact fees that made you think about it."

Mr. Free stated, "The impact fee of course pushed it ahead really. Really when we purchased it we had sort of plans of maybe building on it and it's being built for us to live in to by the way it's not being built to sell to someone else. Maybe within 2 years but when I got word about the impact fees well then I thought hey maybe I should initiate something a lot quicker. Not only the impact fees but the cost of materials and so forth continuously go up tremendously so that's the reason why we sort of jumped on the band wagon and said hey maybe we better look into this but of course impact fees are already in to effect so that's a dead issue not only Thurmont's impact fees but I see where County's raising theirs so it's a double whammy you might say."

Mr. Kinnaird stated, "Do you in vision yourself pitching a tent out here..."

Mr. Free stated, "Of course, hey I don't have to move I still own the place as long as I pay the taxes I guess they'll still let me live there. I've been there since 71 so it's not strange territory to me."

Mr. Cubbedge stated, "So we're not going to have as many people out here on the 10th as they did on Star Wars."

Mr. May stated, "I wouldn't think but then sometimes we do reside in galaxy far, far away."

Mr. Free stated, "And lets see is it the 4% the maximum growth per year?"

Mr. May stated, "There is no percentage."

Mr. Free stated, "There is no percentage anymore?"

Mr. May stated, "No."

Mr. Free stated, "Okay it used to be 4 or 6 wasn't Rick?"

Mr. May stated, "A long time ago yeah."

Mr. Free stated, "But you don't even use that factor anymore. I've been away from it for so long I..."

Mr. May stated, "And that was interesting now that you bring it up because it said that we would not exceed 4.4 I believe but it also said if we fell below another number that we would encourage development. We didn't do that either."

Mr. Free stated, "I understand from Jim's report that so far it is less than it was last year you know."

Mr. Kinnaird stated, "Just think the next year it will be less than it is this year. We're in a direction where each year is going get few and few than it is right now."

Mr. Free stated, "And I have no qualms with it it's just the fact that it seems to have locked me into a situation and in the future I can proceed. Others are going to be faced with the same problem so I just thought maybe I'd bring it before..."

Mr. Kinnaird stated, "When it's a personal issue there's a different light isn't it?"

Mr. Free stated, "Pardon?"

Mr. Kinnaird stated, "When it affects you personally it draws a whole different light on it."

Mr. Free stated, "Well it sort of opens your eyes. That's true because you don't always see the problems until you are faced with the issue yeah. Okay I appreciate you allowing me to at least address it."

Mr. Kinnaird stated, "You're very welcome."

Mr. Free stated, "I tell you I would like to have a copy of that Rick, could I get a copy of that the way that was stated on releasing of the permits."

Mr. May stated, "The staff report?"

Mr. Free stated, "Yeah."

Mr. May stated, "Sure..."

Mr. Free stated, "Just the way it's worded I'd just like to read over it."

Mr. Kinnaird stated, "You want the ordinance?"

Mr. May stated, "There is no ordinance."

Commissioner Muth stated, "On the site plan."

Mr. May stated, "It's approval of the subdivision."

Commissioner Muth stated, "Is that what you're looking for Frank with the words that are on the subdivision plan?"

Mr. Free stated, "Yes."

Mr. May stated, "Yeah we can get that."

Mr. Free stated, "I don't have to have it tonight but..."

Mr. May stated, "Thank you (laughter). I'm not sure I can find it tonight."

Mr. Free stated, "I'll give you a little time Rick."

Mr. May stated, "Thank you sir. If we don't have it tomorrow we are closed Monday."

Mr. Free stated, "You just give me a call when you got it ready and I'll make it a point to come down and get it."

Mr. May stated, "Thank you, I'll do that."

Mr. Kinnaird stated, "Anything else?"

Commissioner Muth stated, "Yeah I have one quick thing we ought to at some point look at the fees that we charge for Zoning...you know for the services of the town for instance I think the...I'm not looking to raising a large amount but we ought to look and see what other municipality are doing."

Mr. May stated, "We...excuse me that's underway now. We have looked at that and there will be a revision we are tremendously out dated. Again a philosophical thing that most people who reside here that pay taxes her so there was no real need to hit them

again. Obviously that's changed everywhere and we will be looking at that and seeing if we can generate a little more income to cover the associated cost."

Commissioner Muth stated, "Excellent, thank you."

Mr. Kinnaird stated, "Anything else?"

No response.

Without further discussions, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Rebecca E. Sharer-Long
Recording Secretary