

The regular meeting of the Thurmont Planning and Zoning Commission was held on Thursday, July 22, 2004 at 7:30 p.m. Present were: John Ford, Chairman; Commissioner Muth; John Kinnaird, Randy Cubbedge; John Woelfel; Jim Gugel; Rick May; Jim Brown and Tim Goodfellow.

Mr. Ford welcomed everyone to the July Meeting of the Thurmont Planning and Zoning Commission. The first item on the agenda was to elect a Vice Chairman. Mr. Woelfel made a motion to nominate John Kinnaird for Vice Chairman. Commissioner Muth seconded the motion. Vote – all for. Motion carried. Mr. Ford commented there is still an opening on the Planning and Zoning Commission if anyone is interested submit a letter to the Board of Commissioners. He stated the next item on the agenda is the approval of the May meeting minutes. Mr. Cubbedge made a motion for the minutes to be approved as presented. Mr. Kinnaird seconded the motion. Vote – 3 for, 1 abstained (Commissioner Muth). Motion carried. Commissioner Muth stated he will need to leave at 8:00 this evening. The next item on the agenda was the Zoning Inspectors report Mr. Ford turned the meeting over to Mr. Brown.

Mr. Brown stated, “There were sixty three (63) Zoning Certificates issued from May 26th to July 20th 2004 for six (6) residential additions, fifty six (56) residential accessory uses and one (1) commercial addition. The total number of Zoning Certificates issued to July 20th, 2004 is one hundred seventy six (176) which compares to one hundred fifty seven (157) for the same period in 2003. Zoning Certificates have been issued to July 20th for seven (7) single family dwelling units and this compares to seventy nine (79) for the same period in 2003.”

Mr. Ford stated the next item is the discussion of wet soils, drainage and surface water.

Mr. May stated, “Those were sent to our attorney in late May. She reviewed them and because of various reasons it took a little time to get them reviewed. Her first review indicated that what we proposed should go to the State for approval since it dealt with storm water, surface water, drainage, those things as part of the storm water management. I pointed out to her and I believe Mr. Ford you had a conversation with our attorney as well that we have Frederick County’s Storm Water Management Ordinance and that this would simply be a supplement to that. She then went back and has been reviewing it again in that respect. I talked to her late today and she’s nearly completed the final comments that she would give us so they should be coming shortly I would think certainly by next week.”

Mr. Ford stated, “Okay would it be worth wild to maybe email those to the commission then.”

Mr. May stated, “If I get them...yes if I can get them in that format. In fact I’ll email her tomorrow and ask her to email them to me and follow it up with a hard copy.”

Mr. Ford stated the next item was the discussion of information flow the Planning Commission. Mr. Ford stated, “The issue that brought this to the floor is the new CVS,

Thurmont Shopping Center Site Plan and the change that was made. There were some existing trees on the property very close to an existing house and the Site Plan showed that these existing trees would remain. The contractor decided that he needed to put the electrical line where those trees were and therefore the trees have come out. Maybe Mr. May you can indicate the communications that took place.”

Mr. May stated, “That’s somewhat correct the electric service to both at that time was still a separate parcel in the back we had a 20’ easement I believe on the Site Plan that was approved. It had to go in there. It was going to impact those trees. We are required to put it in underground so once the trees were impacted I think it calls for...the Improvement Plans called for a 4’ excavation to put in because of the separation required by the phone company now for electric, cable and phone company. It impacted the root system of the trees and then we just felt that it would be best to come out. It had to go in there. There was just no other way.”

Mr. Ford stated, “Was the easement showed on the earlier Site Plan? I don’t see it on this one.”

Mr. May stated, “I was shown on the one that we approved. Now that may have come about...what’s the date of yours?”

Mr. Ford stated, “January 2, 2003.”

Mr. May stated, “Right I have one that was...you approved it on October 3rd, 2003.”

Mr. Ford stated, “Okay so this is an older one.”

Mr. May stated, “The easement was required, we had to have that easement.”

Mr. Ford stated, “And is it shown on...”

Mr. May stated, “It’s shown on here with the trees shown as two of the trees to remain.”

Mr. Ford stated, “That’s right.”

Mr. May stated, “Two of the trees would remain, the others were to come out. When it was determined where that line would go as I said with the depth of the excavation impacted the root system and it was determined that it would be best to take them out. That’s what precipitated this discussion on the flow of information back to you. Our Zoning Ordinance says that the Zoning Administrator can approve minor changes to a site plan. I don’t really know I guess if this is considered minor since it didn’t impact any of the building or the parking it did somewhat. None the less it was done without even considering any feedback to you. I want you to understand that it was done for utility purposes and from my stand point it never crossed my mind to inform you of that change. I’ll be honest with you on that.”

Mr. Ford stated, "It's unfortunate that Mrs. Hunter isn't here tonight. She's the one that really raised the concern because she lives near by and her comments on the site plans when they were submitted were based upon what was shown that the trees at least initially all trees were going to stay and then I guess later just two trees were going to stay and she thought that was important but since it showed that they were going to stay she did...so I guess the issue that and she's very concerned about a change like that where there is public concern and the comments that are made are based on what's shown so she didn't raise any issues about screening because she felt the trees would do a good enough job and then later there was a change made that changes the situation."

Commissioner Muth stated, "Yeah and I remember and I think I was on the Planning Commission when this originally came up and I remember her...I mean there was a big discussion about trying to save those trees and frankly I'm troubled that they're going myself because if there's a problem with the utilities it's not our fault, it's up to the contractor he's got a site plan he's got to live with is my view."

Mr. May stated, "Well and part of the problem there is that the Improvement Plans are submitted after the Site Plan and those Improvement Plans can change things based on being out in the field and I think that's what happen here. I can tell you that I have a written proffer from the development company to plant at least five to six trees to replace the ones that came down. Obviously they won't be as tall but eventually I think it will provide a buffer in a species native to this area which I think eventually will still provide the same purpose."

Mr. Ford stated, "Certainly in projects when you get out into the field there are issues that arise that might require changes I don't think we're so naive to think that that won't occur if there is controversy over certain aspects of the project or what have you then it makes it I think a little more sensitive about making changes. I think having the Zoning Administrator having the flexibility to make changes is necessary otherwise things could come to a screeching halt for two months and the contractor could loose a bundle for a minor thing."

Commissioner Muth stated, "This has been a problem for a long time and determining what it is is minor. I'm not faulting Mr. May at all because he acted in his best judgment. I don't agree with his decision but none the less he did his best judgment that was fine but again it's questionable what's minor and what isn't. It's a judgment call."

Mr. May stated, "And typically we had said if it doesn't impact parking or the basic size of the building then anything other than that would be considered minor. Any interior changes, exterior, even landscaping anything other parking and the actual size of the structure would be considered minor. That's historically what we've done. I guess I'm asking you do you want to establish some more stringent guidelines then certainly that would benefit all of us."

Mr. Kinnaird stated, "Well regarding this particular instance what options if you had come back to us what options would we have to take in resolving it if the access was at that location and it was basically going to kill the trees to put it in there they really wouldn't be no options other than to put it in there any how."

Mr. May stated, "That was our position after the fact. They're would not have been anything that could have been done from our stand point. Our thought processes are not necessarily the same maybe you could have come up with an alternative that we weren't aware of. I don't know..."

Mr. Ford stated, "There was no...you couldn't move the electrical..."

Mr. May stated, "The tree no..."

Mr. Ford stated, "...easement location."

Mr. May stated, "Yeah it was twenty feet that's sounds significant you start...them and it really takes it up. When you try to get a piece of equipment in and work on something like that and things like that."

Mr. Kinnaird stated, "What action could we take lets say this happens again and this is a problem someone is going to cut down trees that maybe was supposed to be left on the property. What resolution could we provide? Could we say well maybe you could move the power lines here or there or change something? You certainly couldn't retract the approval of the site plan because of a few trees or something like that could you? Is that a possibility?"

Commissioner Muth stated, "I think they would have to come in for a request in change of the site plan."

Mr. May stated, "Well I guess that's the issue. Is that a major change or a minor change?"

Mr. Woelfel stated, "And how big a tree do you determine..."

Mr. Ford stated, "Well I think one thing that's very important is that if the trees were a subject of public comment or controversy and again the attorney may need to give us some feed back here for a Ute lateral change to be made without public...opportunity for further public comment could potentially seems to me to raise a little issue."

Commissioner Muth stated, "I'm going to once again defend staff on this because even though I don't necessarily agree with his decision I think it was in the best intention and it's been the policy and there's no way in the world Mr. May could remember every comment that's gone on in front of this commission and every other commission he's at."

Mr. May stated, “Well and I appreciate that I truly do none the less it would have... I could have done a better job by simply communicating to you that this is going to happen. What would have happen then is we probably would have had enough discussion about it that it would have delayed it for another month or two months.”

Mr. Cubbedge stated, “And that’s my point I mean there’s going to come a time when this board can’t meet and a project has to go forward and that’s the Zoning Administrator. My argument with this is this project is crawling along that it could have taken time. They could have come back to us with this individual project itself. Removal of those trees they haven’t even begun...they’re just now clearing in the back doing site work so we could of possibly like you said that might have been able to go through and get aboard and discuss it but there’s going to come a time when the Zoning Administrator has to act because it has to be done at that point in time and I don’t think we should tie his hands up I really don’t. I think that’s why we have this person here doing that why we’re not available.”

Mr. Ford stated, “Mr. Gugel what does the County do?”

Mr. Gugel stated, “Well I think the County also has a provision I think that’s...and staff basically to deal with kind of minor revisions if this...qualify to be to do that. We’re not going to drag it back the County the Planning Commission every time somebody wants to move a tree or shrub or something. That’s far and away of minor category that we can’t and certainly with their kind of agendas they have be bring that kind of stuff back and Rick and I have always had that interpretation now unless it’s changing the intensity of the site or the building or the circulation we handled that at a staff level. I mean you kind of have to have some idea of how much you want to kind of micro manage every little site that comes through and though that’s really a promise of the Planning Commission to say well save this tree this electric line ought to be 5’ this way and again John brought up well would a tree half that size been nearly as much of an issue or things like that.”

Commissioner Muth stated, “I think normally it wouldn’t have been but it’s just that these were a matter of public comment and they were big old trees.”

Mr. May stated, “But of course every landscape, every time we do a site plan landscaping was a point of public comment.”

Mr. Gugel stated, “So what if nobody would have commented at the meeting.”

Mr. May stated, “It wouldn’t have been an issue.”

Mr. Cubbedge stated, “And there again...”

Mr. May stated, “I don’t think so and it’s not the trees in my mind it’s not the trees that’s not the issue. The issue is what kind of feed back do you want when these situations come up.”

Mr. Cubbedge stated, “And like I said I don’t want us to tie the Administrators hands.”

Mr. Ford stated, “No, one option is if there’s change that in his view is maybe a little more...he could email us if he doesn’t hear from us...”

Mr. May stated, “Well and quite honestly as soon as we finish the discussion on that we have another one for you and it deals with the CVS Site Plan and lets go through that one and maybe that will help you make a determination as to what is major what is minor. We have a proposal from them and Jim can jump in because you were there. CVS, Mr. Muth you can recall the town wanted them to close in the end of that open building so that it was more attractive, look better it was not an attractive nuisance. The original site plan called for a 2’ separation between the existing structure and their proposed new building and that was where the utility lines would come out. When they closed that end of the building up they poured footers and put in block which took up that 2’. So now they realized when they did their stake out and Mr. Brown checked it it didn’t conform to the site plan so they started looking around then they came back with a red line change which basically extends the building out 2 ½, 2’8” something like that in the front, towards the front which then impacted the drive way aisles still within our code. So the size of the building has not changed, the parking has not changed, none the less it’s changed.”

Mr. Cubbedge stated, “Is the change going to affect the flow?”

Mr. May stated, “No it won’t effect anything it’s just not the way it was on the site plan. We feel again that that the way we have historically done it that that would be a minor change. Now certainly the location of this thing was a source, a point of public comment so I don’t know really what to say.”

Mr. Gugel stated, “And I think the other issue it sounded like it came up is that the original engineer and apparently their on their second engineer now and it sounded like there was also a discrepancy of the first engineers survey of exactly where the building...the shopping center is and I think that may have also contributed to it as much as putting up that block wall and covering up the end of the building. So basically the end change is that the driveway aisle that goes along the front of the building, running parallel to Church Street that has been reduced from 24’ to 22’ that is still as Rick said within the town’s standards. Now there is also kind of a sidewalk that ran along right up against the building that was to be a 4’ sidewalk and that is now going to be down to about 3 – 3 ½’ in width for that sidewalk. The other option they were looking at was actually cutting into the green space down along the street itself and then Jim Brown mentioned you have to have a 5’ separation between the parking lot and the property line and would have been encroached on and they would have had to narrow down the sidewalk along Church Street which I didn’t want so we kind of backed things back up into the site that would keep them from certainly given the situation where either a variance would have been needed or they really would have perhaps need to revise the site plan if they were changing how far off the parking lot was and so on.”

Mr. May stated, "If I was told correctly the sidewalk that's going to be reduced down to 3 – 3 ½' was along the building where it will not be used. It was put there mainly to protect the building. It's not something...no parking places are right there for that sidewalk so that was the reason that sidewalk was basically there."

Mr. Gugel stated, "And it wouldn't be needed for any of the handicap accessibility. All those spaces were out on the shopping center side of the parking lot there."

Commissioner Muth stated, "After hearing that explanation I think your judgment is fine but if they would have just said they want to move the building then I would have had alarm going."

Mr. May stated, "Well and we would have to."

Commissioner Muth stated, "Right, yeah, okay."

Mr. May stated, "Well not necessarily. Again if it had not increased the size of the building and it still conformed to everything else like this did we're basically moving the building now. So it didn't increase the size, it didn't affect the traffic flow or any of the other requirements of our Ordinance."

Commissioner Muth stated, "No trucks were supposed to be going around that way right?"

Mr. Gugel stated, "Well I mean that wasn't really specified."

Commissioner Muth stated, "It was supposed to be rear delivery."

Mr. May stated, "Yeah, I think the intent was to go in the back. It's like anything else once it's in there, it's like our new exit onto Water Street...my point is though that while this was intended to make this a safer flow for municipal business it has in fact if you're here from 3:30 until 5:00 or a little after 5:00 it has now become a short cut to get on Water Street. ...coming off Frederick Road, sure they don't want to go there and have to wait so they're have been people that come through there that don't slow down for anything, they're not conducting business and that happens and it's going to happen. ...well it's not a question of speed it's just a question of it's now a short cut. I didn't mean to imply when I said flying through I meant just driving through. I didn't mean to imply that they were speeding but my point is trucks may not they may say they won't go there but a truck driver is going to go where he wants to go."

Mr. Cubbedge stated, "Rick in regard to the sidewalk because I'm not familiar where will that sidewalk that they want to reduce be now. Is that in front of the building, side or..."

Mr. May stated, "It's the Church Street side."

Mr. Gugel stated, "So this is the shopping center in here, this is was the wall that pushed out. So basically where you see this heavier red line that is now the front line of the building."

Mr. Cubbedge stated, "The entrance being right here off..."

Mr. Gugel stated, "The entrance is there kind of off the corner actually so the sidewalk just runs along this from the corner here."

Mr. Cubbedge stated, "That's my only question. I understand that...my concern is we're reducing that width at that sidewalk I'm just wondering if it is pharmacy how much of that is going to be effected by somebody in a wheelchair. That's my only concern."

Mr. Gugel stated, "All the handicap spaces they're out here they're down there so you wouldn't really expect anybody that has needs wheelchair accessibility to park down here where we don't have any handicap parking spaces and even originally there were no ramps or anything. This is also the drive thru pharmacy lane there so I think from that point of view since all the wheelchair accessibility is going to be on the shopping center side and they even felt that even the regular patrons are going to be more likely to park back here then it will even to park back in here. So they weren't concerned from their customer point of view that that would get more difficult for people who are trying to get to the front door there. I think and again since I think there's actually going to be like a 6" curbing plus the sidewalk they're still going to have almost about 3 1/2' wide sidewalk including the curb so it's not like your going to be walking on a tight rope through there."

Mr. Cubbedge stated, "Okay just the general access that if this is the drive thru there is going to be traffic going this way and I just want to make sure we got enough room for somebody who's like you say not walking the tight rope out there with traffic flowing out in that area."

Commissioner Muth stated, "I don't quite remember this but the open area between the two buildings then is 2' is that what it's going to be?"

Mr. May stated, "It was going to be 2'."

Commissioner Muth stated, "And it's still going to be 2'."

Mr. May stated, "I believe it is."

Commissioner Muth stated, "Or something like that but it's not going to be for pedestrian access?"

Mr. May stated, "No, no, no."

Commissioner Muth stated, "It's going to be enclosed."

Mr. May stated, "But I think originally they proposed to have electric lines coming through there I believe for outdoor lighting, is that correct Mr. Brown?"

Mr. Brown stated, "I believe they're going to bring the underground there to put in the new lights in the parking lot and the 2' separation is required by the Fire Marshall in lieu of sprinkler systems for the whole shopping center. They fell underneath the square footage for that individual building but they didn't have to sprinker with everything being fire retardant inside but if they connected to the other building then they'd have to sprinker it. That's my understanding the purpose to have that 2' separation of the building there one brings underground electric out to the lights in the parking lot and also to cut down on sprinker system in the building."

Mr. Cubbedge stated, "Do we know if the existing building where they built the wall is that fire wall or is that just a block wall? In other words is that a fire wall that's with the existing shopping center right now?"

Mr. May stated, "I don't know."

Mr. Brown stated, "It's a 12" block I don't know what they may have filled it with but with a 2' separation it's probably fire code dry wall on the inside of the wall where the businesses is. Most commercial businesses now have to have the fire code drywall on the inside of the building."

Mr. May stated, "So having gone through that I guess would you agree with us that this would again be a minor change that would be approved and issued a Zoning Certificate based on the current stakeout and let them proceed with their project."

Mr. Kinnaird stated, "I'd agree with that. I also agree with tree..."

Mr. May stated, "I understand and I guess what I'm saying is in the future when these things come up if I am remiss in notifying you of a staff decision as soon as possible then you'll have you're opportunity at the next meeting."

Mr. Ford stated, "I guess your assuming then that we'd like to be notified of the changes."

Mr. May stated, "I'm assuming that."

Commissioner Muth stated, "I don't think you're idea of an email change..."

Mr. Ford stated, "I don't want him waiting for a response."

Mr. May stated, "The response is not what I'm about."

Mr. Kinnaird stated, "I think just notifying us of the decision you've made is maybe what we should have."

Mr. Gugel stated, "So basically when you start building something if you see something different then you were expecting you'll be aware of it. It shouldn't be a surprise."

Mr. Ford stated, "I mean if there was something...that we really we could always come back to you but you don't want you waiting..."

Mr. May stated, "No I understand and I appreciate that, I truly do on the other hand I want you to be as informed as you possibly can."

Commissioner Muth stated, "Well what I'd like to see I think is at a minimum notification before it happens of changes in the existing landscaping that have been approved."

Mr. May stated, "Well, okay go ahead."

Commissioner Muth stated, "You know changes in things that already there that people are expecting will still be there are different than they're going to put you know hemlock trees in instead of oaks or something. I don't have any...with staff making those changes but if..."

Mr. Ford stated, "He's talking about existing..."

Mr. May stated, "I understand."

Commissioner Muth stated, "That's what...I'd like to see that kind of stuff come back to us before it gets changed."

Mr. May stated, "Come back to the Planning Commission?"

Mr. Kinnaird stated, "That could possibly make it two months even a three month delay if for some reason they're wasn't enough people at the next two meetings you couldn't expect them to sit on their hands for that entire time."

Commissioner Muth stated, "Well the burdens on us then certainly to come your Planning Commission."

Mr. Kinnaird stated, "So then would you say that if in the situation if something like this that we could say to them we'll have a special meeting in a 7 day or 10 day period to make a decision on it..."

Commissioner Muth stated, "Absolutely not. They'd have to ask for a change in the site plan and go through the whole procedure. It sounds harsh but that's the..."

Mr. Woelfel stated, "Just for changing vegetation, I don't agree with that."

Mr. Kinnaird stated, "I wouldn't agree with that either because we've already given the green light and this is such a miniscule change to me I mean and everybody is going to have an idea of where the break point is whether this is something you can do with a yes. You know everyone's going to have a different idea of where the change should take place."

Commissioner Muth stated, "I thought I defined it, if it's existing landscaping that's going to change and it's on the site plan it needs to come to us."

Mr. Kinnaird stated, "Then the thing about moving the building 2' wouldn't come back to us then."

Commissioner Muth stated, "That's right. That's just my opinion."

Mr. Cubbedge stated, "If you're going to that extreme then you don't want to limitate it to landscaping because landscaping is long after the fact."

Mr. Ford stated, "So if it's in there before they start the development."

Mr. Cubbedge stated, "I think you're tying up the Administrators hands by that. As long as we kind of like have an idea of what happened and I think you're also...that's the reason why we have the Administrator. He's going to come back and he's going to say well wait a minute you're going to move this building 2' this time it has no impact next time somebody's says I'm going to move the building 1' but it's 1' closer to something that's going to cause an impact and he has that discretion to sit there and say no, we have to contact the board and go from there."

Commissioner Muth stated, "I think that by tying his hands in this one instance we take heat off of him and the heat goes where it belongs which is this board."

Mr. May stated, "Well there are other areas then that you could review that would certainly do that for me."

Laughter.

Mr. Ford stated, "One option...I mean you're concern mainly is about existing landscaping. Usually that would be well developed trees and things like that rather than maybe some brush or something and maybe one thing to think about is when we review a site plan if there is an element of that site plan that we feel is very important that we identify it as important and therefore any changes would be deemed significant. So by doing that..."

Mr. Woelfel stated, "I agree..."

Mr. Ford stated, "Then it might be existing landscape it might be something else. It might be you know I don't know, maybe there's an existing building that's historic and we don't want it changed."

Mr. Kinnaird stated, "Then you would qualify each and every project with you're list of things that you would not want changed."

Mr. Ford stated, "If there are things other than...he won't change in density, intensity of the development or the..."

Mr. May stated, "No, if the square footage of the building increases it's coming back. If the flow of parking or the parking requirements are impacted it's coming back."

Mr. Ford stated, "So we will need to remember if there are important parts of a project that we feel pretty strongly about and or the public then we identify those and then Rick will know that that's..."

Mr. May stated, "And then we can do an email and pole everyone and say is this what you had in mind, is this significant enough to warrant a review. If not then we call it a minor change and proceed."

Commissioner Muth stated, "I like that I think it takes some of the heat off of them as well."

Mr. Kinnaird stated, "This situation will never arise again I'm sure."

Mr. Cubbedge stated, "It has previously when we..."

Mr. May stated, "It just did."

Mr. Ford stated, "Do we need to vote on this policy?"

Mr. May stated, "I don't think so. I think you need to be...on what your intent is going to be in the future site plans and don't forget site plans would also include..."

Mr. Ford stated, "Okay any more discussion on this issue?"

No response.

Mr. Ford stated, "I'd like to before we get to Mr. Goodfellow I'd like to just bring up the one thing I emailed to you I think was in April about Altamont Gardens parking lot. The arrows painted on the parking lot. They're painted two way and our agreement was that it was to be one way and I seen people coming out of there so..."

Mr. May stated, "Okay, I'll double check."

Mr. Cubbedge stated, “The other evening I noticed two portable classrooms were brought into town and I was asked by a couple people how many more will be arriving or are we done?”

Mr. May stated, “Don’t know.”

Mr. Cubbedge stated, “We don’t know, okay.”

Mr. Ford stated, “So Mr. Goodfellow is kind enough to join us to give us a presentation on information items on development.”

Mr. Gugel stated, “Let me just introduce kind of what we’re looking to do here and turn it over to Tim. Obviously with all the discussion we’ve been having on storm water controls and kind of looking at it from the regulatory side on dealing with storm water that’s actually occurring and I think what has been brought up on a couple of occasions I think Bill Blakeslee brought up I thin on one or two occasions about ways of then looking at it from the other end on how do we reduce the storm water in the first place and so basically kind of going off of that concept several years ago the County went through a study with some consultants to kind of look at that issue. The concept is generally referred to low impact development. It looks at ways of how properties whether it’s commercial, residential whatever can be developed differently, site plans can be done differently to reduce the amount of storm water in the first place and then also looking at perhaps the storm water that is still being created and how that can be handled in a more environmentally sensitive way. So basically then Tim Goodfellow who is one of our principal planners in comprehensive planning section he’s also our environmental planner as well and was involved with this initial project which was called the County Site Planning Round Table was done back in 99’ – 2000 there a bouts and then he’s also been working on a lot of the water shed protection work and I guess there is project up in this part of the County as well. So basically we have a power point presentation here and I think what we need to do is kind of have you folks kind of come back here we’ll set the screen up in front. While he is getting set up I guess as far as the implementation of this and I guess everybody has a copy of this up front here but up in the Town of Emmitsburg there is the Pembroke Woods Subdivision it’s along the northwest side of town up off of Tract Road off of that area and that subdivision when it was originally designed back in the early 90’s was going to be conventional single family layout with 30 – 32’ wide streets, concrete curb and gutter, sidewalks, the storm water system would be conventional underground system going in conventional storm water ponds and I guess it was really shortly after this project was completed that the Town Planner who is working up there and I guess the developer kind of caught on to this as well and they actually redesigned that subdivision to follow at least some of the principals outlined in here that Tim will be going over and I guess visually the biggest thing that they did they eliminated the curb and gutter and they went to what’s called an open section roadway where you have basically a 20’ width of pavement and then it just goes out to grass shoulders and a grass swale and that’s basically then how there storm water system is handled through that system of grass swales and it only had one sidewalk on kind of a main road that sort of cuts through the middle of the subdivision there and so perhaps after you see the

presentation here you might want to go up there and take a look at that and give you kind of a more visual idea of how things could look although I would temper that a little bit that it hasn't been very well received certainly by the residents there. The people basically at the bottom of the hill have not been very positive about the way things have been designed. There have been problems with people... where do people park if they're having a party because then you're basically having to park on the grass and the towns had all kinds of discussion dealing with that so it's not all that it's necessarily cracked up to be but it does kind of give you one way of looking at it then. So with that I'll go ahead and turn it over to Tim and I guess as he goes along if you have questions or whatever brings them up and this is obviously just for informational and just general discussion." (Recommended Model Development Principles for Frederick County, MD handout attached, Mr. Goodfellow presented his presentation.)

Mr. Gugel commented that within the County there has been staffing changes, and he will likely be moving up a spot, and his working with the town would be coming to an end at some point. He stated nothing has happened yet, but maybe over the next month or so this might happen. He mentioned to Rick since there is not a lot going on in the town he will continue with the site plans that come through, the only thing he wouldn't be able to do right now is the Master Plan Update. He stated there are a few options the town has. One is somebody else from the County Planning office might be assigned up here, or a lot of the towns are hiring their own planners and that would also be an option. The town could until then continue to have their consulting engineer review things until the town decides if they want they're own planning staff person. Mr. Gugel stated for the next few months he'll continue to be able to work with the town. Mr. May urged the Planning Commission to be thinking now in terms of what they feel would be best, whether it would be a full time position or on a consulting basis for a planner.

Mr. Ford commented on the Middletown Moratorium and felt the change that was made to town's A.P.F.O. hopefully would protect Thurmont against something like that.

Without further discussion, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Rebecca E. Sharer-Long
Recording Secretary