

The regular meeting of the Thurmont Planning and Zoning Commission was held on Thursday, September 25, 2003 at 7:30 p.m. Present were: Bill Blakeslee, Chairman; Commissioner Hooper; Jim Larochelle; John Ford; John Kinnaird, Shirley DePaolis; Jim Gugel; Rick May; Jim Brown; Rod Winebrenner (Arro Consulting); Larry Piper; Bryan Grossnickle and Russell Moser.

Mr. Blakeslee welcomed everyone to the September Meeting of the Thurmont Planning and Zoning Commission he stated Despeaux is absent and he would be chairing the meeting in his place. Mr. Blakeslee stated Mrs. Shirley Depaolis would be voting member tonight. The first item on the agenda is the approval of the August meeting minutes.

Mrs. DePaolis made a motion to accept the minutes with the correction of Mr. Kinnaird being added to the members present at the meeting. Mr. Larochelle seconded the motion. Vote – all for. Motion carried.

The next item on the agenda was the Zoning Inspector's report. Mr. Blakeslee turned the meeting over to Mr. James Brown.

Mr. Brown stated, "There were seventeen (17) zoning certificates issued from August 26th to September 23rd 2003 for two (2) single family dwelling units, two (2) residential additions, eleven (11) residential accessory uses and two (2) commercial accessory uses. The total number of Zoning Certificates issued to September 23rd is two hundred and four (204) compared to one hundred and sixty three (163) for the same period in 2002. Zoning Certificates have been issued for eighty two (82) single family dwelling units thus far in 2003 which compares to forty eight (48) single family dwelling units during the same period in 2002." Mr. Ford had a question on the Zoning Certificates for Altamont Gardens. In 2003 there were 30 Zoning Certificates issued Mr. Ford wanted to know if the town had restricted Altamont Gardens to 25 a year. Mr. Brown stated there were no restrictions when they were originally approved or the second time they came in for approval since they were townhouse units.

Mr. Blakeslee stated the next item on the agenda is Final Plat, Lots 42 –61 & 72-76, Section II, Jermae Estates. This was a continuance from last month. He turned the meeting over to Mr. Gugel. Mr. Gugel stated he had nothing new to add. Mr. May presented the local staff comments (see attached). Mr. Blakeslee asked if note #7 on last months comments was still applicable? Mr. May stated yes, note #7-No Zoning Certificates or Building Permits will be issued until sanitary sewer upgrades south of Moser Road Bridge are completed and accepted by the Town Thurmont Department of Public Works. Mr. Larry Piper was present representing the applicant. Mr. Piper stated they really didn't have any problems with any of the comments he just stated on note #7 about the Zoning Certificates at one of the meetings they attended Mr. Piper stated they had approved plans to upgrade the sewer a certain amount and the Commissioners asked them to hold off doing that work until they have their engineers review everything and that there is a chance that the town will want to pay a difference and increase the upgrades further. He stated they agreed not to do it at this point at the request of the

Commissioners so he felt as long as they're studying it and not given them ample time to go ahead with it they shouldn't be held up when they are waiting on us. Mr. May stated he really didn't know how to respond to that he stated the town's concern is that those improvements be done. If the study were to show that additional things had to be done or even the town is going to be involved then he stated he would hope that they could get that accomplished quickly enough that it does not hold any of this up. Mr. Piper made a suggestion, that if it is to be added on that they have ample time to do that before we're ready for Zoning Certificates. The discussion continued. Mr. Ford asked about the sidewalks in the development. Mr. Gugel stated they are generally shown on the Preliminary Plan and Improvement Plans. Mr. Piper stated they are shown on the Construction Drawings. Mr. Gugel had a comment on getting all the Forest Resource Ordinance paperwork recorded. None of the plats can be recorded until all of that is taken care of. Mr. Ford made a motion that the Commission approve Final Plat Jermae Estates, File #THS-00-1 with comment 5 & 6 of the August 28th 2003 staff report and the September 25th Staff report comments as conditions also, the Forest Resource paperwork must be recorded before any other lots are recorded. Commissioner Hooper seconded the motion. Vote – all for. Motion carried.

The next item on the agenda was a Text Amendment for signs – Jermae Development. Mr. Blakeslee turned the meeting over to Mr. Gugel for staff comments (see attached). Mr. May stated local staff had no comments. Mr. Russell Moser was present representing Jermae Development LLC. Mr. Piper commented part of the reason it's not really covered in the Amendment is that the Maple Run Golf Course had a sign at that location before. With no further comments Mr. Blakeslee asked for a motion. Mr. Ford made a motion that the Planning and Zoning Commission recommend to the Board of Commissioners approval of Zoning Ordinance Text Amendment Case #TH TA-03-3 Jermae Development LLC. Mrs. DePaolis seconded the motion. Vote – 3 for, 1 abstained (Hooper). Motion carried.

The next item on the agenda is Final Plat Jermae Estates File #THS-00-1 Section 4 lots 62-68, 83-108, 7 single-family lots and 26 townhouse lots. Mr. Blakeslee turned the meeting over to Mr. Gugel. Mr. Gugel presented the staff report for both sections 3 and 4 (see attached). Mr. Blakeslee asked Mr. May to present the comments on lots 62-68 and 83-108 (see attached). Mr. Piper stated they agree with the comments. There were no public comments. Mr. Ford made a motion based on staff recommendations that the Commission approve Jermae Development LLC Final Plat, Jermae Estates File #THS00-1 Section 4, Lots 62-68 and 83 – 108 subject to all staff comments plus that a note be included to dedicate Outlot B to the Homeowners Association and the Forest Resource paperwork must be recorded before any other lots are recorded. Commissioner Hooper seconded the motion. Vote – all for. Motion carried.

The next item on the agenda is Final Plat Jermae Estates, Section 3 Lots 29-41, 69-71 & 77 –82. Mr. Blakeslee stated Mr. Gugel already presented his comments on this and turned the meeting over to Mr. May to present local staff comments (see attached). Mr. Piper stated they had no problems with any of the comments presented. There was no public comment. Mr. Ford stated based on staff recommendations he moved that the

Planning Commission approve Jermae Estates Final Plat File # THS00-1, Section 3 lots 29-41, 69-71 & 77-82 subject to all staff comments as well as the Forest Resource paperwork must be recorded before any of the lots are recorded. Mrs. DePaolis seconded the motion. Vote – all for. Motion carried.

The next item on the agenda is the Storm Water Management Discussion. The meeting was turned over to Rod Winebrenner with ARRO Consulting. He stated he planned on reviewing what was done in the old days and now with the new design manual which is a few years old. Mr. Winebrenner stated, in the old days the Ordinance stated you basically had to control two and ten year storm events, and safely convey the 100-year storm through the structure. He stated you may have had to put a small drainpipe in the bottom to slowly drain out a portion of that volume in the pond for water quality. That would be the one-year storm. He stated he would also address adequate conveyance, which is most of the complaints that will be received. In the new design manual they are concentrating more on water quality. The quality of the water that is being discharged and also trying to recharge the ground water system by trying to put some water back into the ground water so that it stays a certain level. Mr. Winebrenner had with him a handout that he reviewed with the Planning Commission on different ponds used now and how they work (see attached). Mr. Winebrenner will be getting a copy of the Charles County SWM & Drainage Ordinance and the Charles County Grading plan for the board to review.

The next item on the agenda was to discuss rear yards running through blocks. Mr. Blakeslee asked if letters were sent out. Mr. May stated that letters were sent out to people on Church Street & Brown Avenue all the way down even to the point where it is not a public street. Mr. May stated these are lots that run through a block from street to street and the yards on both streets are considered fronts. This situation precludes them from erecting a 6' fence basically in the back of their house, which is still a front yard by definition. Mr. May stated he had suggested after looking at the Subdivision Regulations where it would create hardships, they could wave or modify some of the requirements. Also, on the Subdivision Regulations it encourages that kind of subdivision not to be done. Mr. Ford made a motion, based on the provisions of the Subdivision Regulations, which allow waving specific requirements in cases of unusual configurations or aesthetic conditions, that the properties bounded by Brown Avenue and the extended lane beyond Brown Avenue, and Church Street, will be deemed to have their front yard on Church, and that their property adjacent to Brown Avenue to be considered as a rear yard. Mr. Larochelle seconded the motion. Vote – all for. Motion carried.

Mrs. DePaolis had asked for an update on NVR's parking lot that was to be paved by October 1. Mr. May stated he would check and have an update for next months meeting.

Commissioner Hooper mentioned there will be two things for the October Agenda. One was the addition to the Cell Tower Ordinance Text Amendment, and the other will be the gate at Jermae Estates. Mr. May stated there was some language modification to the Cell Text Amendment that was amended and approved. The Board of Commissioners wanted them to look at this. Mr. May stated at Jermae there was some

concern about the gate going out on the street and not being esthetically pleasing. Since this was a staff comment approved by the Planning Commission, they wanted it discussed again. Mr. Brown stated he would have a report for the October meeting on options with a gate that would be acceptable.

The next meeting of the Planning and Zoning will be held on Thursday, October 23, 2003.

Without further business to be discussed, the meeting adjourned at 9:07 p.m.

Respectfully Submitted,

Recording Secretary
Rebecca E. Sharer-Long