



THURMONT TOWN MEETING

**JANUARY 5, 2021 AT 7:00P.M.
THURMONT MUNICIPAL OFFICE
MEETING ROOM**

AGENDA TOPICS

- 1. PLEDGE OF ALLEGIANCE**
- 2. PRESENTATION FOR BOC REFERRAL TO PLANNING & ZONING COMMISSION–
ANNEXATION PETITION: SIMMERS PROPERTY – 304 APPLES CHURCH ROAD – DANIEL
CROSS, CROSS & COMPANY, LLC.**
- 3. DISCUSSION – 2021 COMMISSIONER LIAISON APPOINTMENTS**
- 4. COMMISSIONERS' COMMENTS**
 - a. Commissioner Buehrer**
 - b. Commissioner Hooper**
 - c. Commissioner Hamrick**
 - d. Commissioner Burns**
 - e. Mayor Kinnaird**
 - f. Jim Humerick**
- 5. PUBLIC COMMENTS**

UPCOMING MEETINGS/EVENTS:

- YARD WASTE DROP OFF – JANUARY 9**
- BULK TRASH PICK UP – JANUARY 9**
- CURBSIDE CHRISTMAS TREE PICK UP – JANUARY 11**
- TOWN OFFICES CLOSED ON JANUARY 18**

TOWN MEETING MINUTES

JANUARY 5, 2021

A Town Meeting of the Thurmont Board of Commissioners was held on Tuesday, January 5, 2021 at 7:00 p.m. The following were present: Mayor Pro Tem Hamrick; Commissioners Hooper, Burns, and Buehrer; CAO, Jim Humerick; Sr. Admin. Assist. Becky Long; Dick Lee; Daniel Cross; Bryant Despeaux; Randy Cubbedge; Laurie Freshman; Chris Jakubiak. Participants via Zoom: Mary Patton; Bruce Dean; John Mazelon; Kelly Duty; Mayor Kinnaird.

PLEDGE OF ALLEGIANCE: Commissioner Burns led the Pledge of Allegiance

PRESENTATION FOR BOC REFERRAL TO PLANNING & ZONING COMMISSION – ANNEXATION
PETITION: SIMMERS PROPERTY – 304 APPLES CHURCH ROAD – DANIEL CROSS, CROSS &
COMPANY, LLC

Chris Jakubiak said “we have here tonight the first annexation that the Town has seen since its adopted new zoning ordinance that contains new procedures for annexation review. The procedures basically provide that you refer, after the initial introduction of a petition, it to the Planning Commission who will do a review and make some determinations about whether it conforms to the Master Plan and whether the public facilities that the Town has are adequate to serve the project, and if not, what plans are necessary to make them adequate and also to deal with the zoning to actually say that the zoning the developer proposes is consistent with the Town’s plan and then they would formulate a recommendation for your review and consideration. The authority rests with you, it is your decision, but the Planning Commission will prepare a recommendation for you to consider and a report. So tonight’s meeting is only about the introduction, it is about just presenting the proposal to you which will probably go through a Planning Commission process that may need one meeting or multiple meetings and then eventually come back to you. One element of the annexation process is an annexation agreement and that annexation agreement will ultimately have to be negotiated by your Body and the developer and the Town staff has already begun talking with the Public Works Department to understand what the facility issues are, what the capacity issues are, things of small scale like sidewalks and a larger scale like pump stations and the width of pipes that are necessary to serve a project and how it connects in with the current infrastructure of the Town. So I know that Jim and I want to meet with you and a meeting has been scheduled in Executive Session where we advise you of what we have learned from the experts of the Town about what is really necessary to serve a project like this and based on that you would form an approach to what you might want to seek in terms of an annexation agreement. We have a draft Annexation Agreement of the Boiler Plate that is in front of Leslie Powell, the Town’s attorney, who is reviewing it so that is underway and at our next meeting where Jim and I will be and Kelly will have more information for you to help formulate your approach; now you will give us feedback about what you want us to do with respect to this annexation. The property is currently zoned A-1 (Agriculture); the part of this project that is in the Town is A-1 and the larger part is outside the Town but attached to the Town is also zoned Agriculture but in the County. The proposed zoning for this property is R-5, which is the zoning category

recommended in the Master Plan right there on the map and it is the designated preferred plan for our growth area on this property; so the R-5 and the high density match up and they coincide. Public facilities are adequate; there are no capacity issues with the wastewater treatment plant; there is a possibility of a conveyance issue; the pump stations likely need to be upgraded substantially and that update might be in the Town's interest to upgrade that station entirely decommission the existing pump stations there and build another new one to serve this project and the existing development that might be the optimal approach so there is a conveyance issue but not a capacity issue. The public water would be extended from the existing high-density development next door to it, Easy Street and Luther Drive likely those two roads into the project, and the capacity exists in the water system to serve it as well. The Planning Commission's report to you will detail all of that as well. They are going to do some fact finding on the record in public and compile a report for you to consider. If you or the folks at home want to understand this process better it is Section 3.3 in the Zoning Ordinance and it lays out the whole process of how we started this level and goes through the Planning Commission review and it comes back to you with a resolution for your approval after holding a public hearing."

Commissioner Burns asked if staff or Chris had any preliminary discussion with the County. Mr. Jakubiak replied "I have spoken to the staff and my counterpart, Denis Superczynski, and also the staff in the Public Works Department. There is going to be a planning aspect of this at the County level and a public works aspect because the water and sewer Master Plan has to be amended to show this area is eligible for water and sewer services; for some reason it shows it is long range, I think it is 11 years or something to that effect, but now is the time to update it. It is not unusual at all for areas on the edge of a municipality not to have the water and sewer designation when they need it so it is an amendment process that will have to take place; at the staff level I haven't heard any concern at all; in fact, I heard quite a few compliments on the proposal. Just as a way of background back in August or September Mr. Cross had presented a color-rendering concept of the proposal and we discussed it at the Planning Commission meeting in the early stages because we are rewriting the Comprehensive Plan and it is perfect timing for us to think about it. We had a sense at the Planning Commission level that the initial concept was really under serving the Town and the property, it was more of a kind of 3 or 4-story walkup apartment, multi-family with parking in front surrounded by a cluster of townhouses and it had a daycare and assisted living as you will see, everybody loves that but it had a very kind of suburban, it didn't look like it belonged in the Town. At the time we were looking at different design ideas for how development ought to look in the Town and how you should be able to walk along the street and see people on porches rather than open space being allocated behind, along and on the edge of parking lots we wanted to make sure they were useable spaces that could form parks and people could actually have a real neighborhood. So the developer is aligned with that thinking right on and he was happy that we came to that conclusion too; so I provided information from the Planning Commission's meeting a number of photographs of different ideas that they like and they thought was reasonable and then the developer revised his concept and is coming to you with a project that gets closer to the maximum density that is allowed in the zoning district which is almost 11 units per acre which is not exceedingly high when you look at cities and towns; the actual end result is I think close to 9 or 8.7 units per acre is ultimately proposed. I will leave the rest to the developer to present the proposal and will welcome any questions or comments afterwards."

Daniel Cross said "I am a person who has been involved in real estate since 1989; have been a Frederick business owner since 1994 involved in commercial real estate and real estate development work. Mr. Burns your question of a few minutes ago as far as wanting a presentation from your staff to council is very refreshing to hear but I warn you there are no clean deals left everything are going to have exceptions and differences to it. As staff commented, tonight is an administrative function. Under Maryland law I have submitted a petition for annexation. Your legislative body, you and your town council need to receive that, decide that it is in order and legit more counsel than you, and then forward it down to your Planning Commission where we will continue our discussions and negotiations. I could sit down with than comment but it behooves me to give you a sense of where we have been and where we want to go because we are going to be back before you by Maryland law with a formal public hearing and vote. As Chris alluded he is going to plant certain ideas with you of the pounds of flesh that you are going to want to get from me and I am going to defend myself as those negotiations go on. The thing that makes this Mr. Burns a deal that isn't clean is that this parcel is bifurcated, 7.79 acres of it is already in the Town and the rest is in the County. I have to go through two different processes to get to a finished community. We are anxious for you to accept the petition for annexation and refer us down to the Planning Commission so we can keep on moving."

Mr. Cross gave a slideshow presentation of his proposal. A discussion was held with questions and concerns answered and comments given.

Commissioner Burns said "from where I sit, it is within our growth boundary, it is zone A-1 but recommended for high-density; we determined that is where we want the growth to go and everything else is the details with the Planning and Zoning Commission. As the Planner already noted there is currently water capacity, sewer capacity; again even if there wasn't we would give them to the Planning and Zoning Commission to potentially work out and I think it is a no-brainer."

Public Comment:

Laurie Freshman, Resident, Apples Church Council – I come before you to ask if there is the possibility that our Church could hook onto water and then possibly sewer, too. We would like to hook onto Town water.

- Commissioner Burns replied "You should formalize a request to staff, staff would then bring that to us knowing that if this project bears fruit and it is ultimately approved that is something we could consider but we wouldn't consider them concurrently as it is a totally separate project. I ask you to formalize a request to the Town staff.
- Jim Humerick replied "I don't know that we would have to wait for this project to move forward depending on what the infrastructure is like out there; we will discuss that with the staff and certainly we can discuss that.

MOTION: Mayor Kinnaird said "I move that we accept the annexation petition and in doing so move it along to our Planning and Zoning Commission for an in-depth study and to ultimately make a recommendation back to the Board of Commissioners." Commissioner Burns second. Vote: 5-0-0, motion carried.

DISCUSSION – 2021 COMMISSIONER LIAISON APPOINTMENTS

Mayor Kinnaird asked if any of the Commissioners wished to change their liaison appointments for 2021 and all Commissioners were satisfied and wished to keep their present appointments for another year.

Burns – Planning & Zoning Commission; Internet Commission

Buehrer – Police Commission; Park and Recreation Commission

Hooper - Senior Center; Backup for Planning & Zoning Commission & Internet Commission

Hamrick – Main Street; TAC

COMMISSIONERS' COMMENTS

Commissioner Buehrer:

- I want to wish everybody Happy New Year. Please stay healthy, the numbers are not looking good with COVID so we have to maintain this discipline until we can get this thing eradicated.

Commissioner Hooper:

- Please do patronize our local businesses and restaurants because people are not going out and we need to make sure our local businesses stay afloat. I just want to wish everyone a Happy New Year and hopefully this will be a good one.

Commissioner Hamrick:

- I wish everyone a safe, prosperous and healthy New Year, so every stay healthy and we will hopefully get this behind us in the rearview mirror.

Commissioner Burns:

- Happy New Year

Jim Humerick:

- Happy New Year

Mayor Kinnaird:

- Happy New Year and I hope everyone stays safe and healthy this year and hope that things turn around for us.
- I would remind you that Friday evening from 5-7 p.m. Frederick Health Department will be offering fresh COVID-19 tests at the Thurmont Town Office in the parking lot drive up. The Frederick Health facility in Frederick also offers COVID tests from 7 a.m. to 2 p.m. Monday-Sunday. There is no charge and you don't need a doctor's order, but I will tell you if you don't get there early in the day it could be up to two hours wait to go through the line.
- Christmas tree pickup will be on January 11, 2021. Have your trees out at curbside by 6 a.m.

- Town offices will be closed on January 18th.
- Yard waste drop off will be January 9 at the Moser Road location
- Bulk trash pickup on January 9th.
- We may see some changes based on the current increase in COVID; we may restrict public access again to our meetings and may go back to being separated a little bit further on the Dias; we will have to base those decisions on how the numbers go.

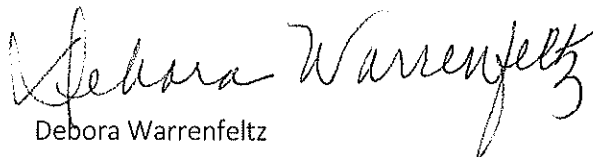
Commissioner Buehrer said "John has the vaccine been administered any place in Frederick County yet?"

- Mayor Kinnaird – "Yes, Frederick Health Hospital has started vaccinating their first line employees; I know a large number of the nurses have been vaccinated and I believe other medical personnel but beyond that I can't give you any actual numbers right now. The Governor just changed the Level 1B recipients to include some different groups and they are planning on starting those vaccinations by the end of this month." Commissioner Burns added that some law enforcement agencies and fire fighters are receiving them starting this week.

MOTION – Mayor Pro Tem Hamrick asked "any last calls up here? None, I'll entertain a motion to adjourn." Commissioner Burns said "so moved." Commissioner Buehrer second. Vote – 5-0-0, motion carried.

Without further discussion the regular meeting adjourned at 7:56 p.m.

Recording Secretary,


Debora Warrenfeltz

TOWN MEETING
TUESDAY, JANUARY 5, 2021

PLEASE SIGN IN
PLEASE PRINT

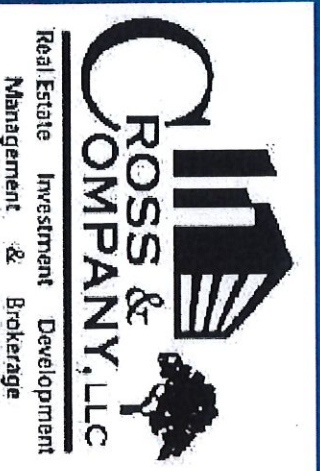
	NAME	THURMONT RESIDENT	
		YES	NO
1	DICK LEE	✓	
2	DANIEL C CROSS		X
3	BRYANT K DESPERANT	✓	
4	Chris Jarubiak		X
5	Randy Cubbage	✓	
6	unknown rep. Apples Church		
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CROSS & COMPANY, LLC

Cross & Company, LLC is a Real Estate,
Investment, Development, Management
and Brokerage company doing business in
Frederick, Maryland since 1997

Daniel C. Cross has worked in Real Estate
Development since 1989

Veteran Owned Small Business



SIMMERS PARCEL AERIAL VIEW

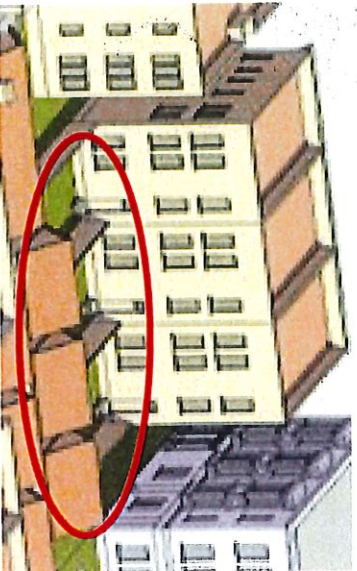
05 JAN 2021



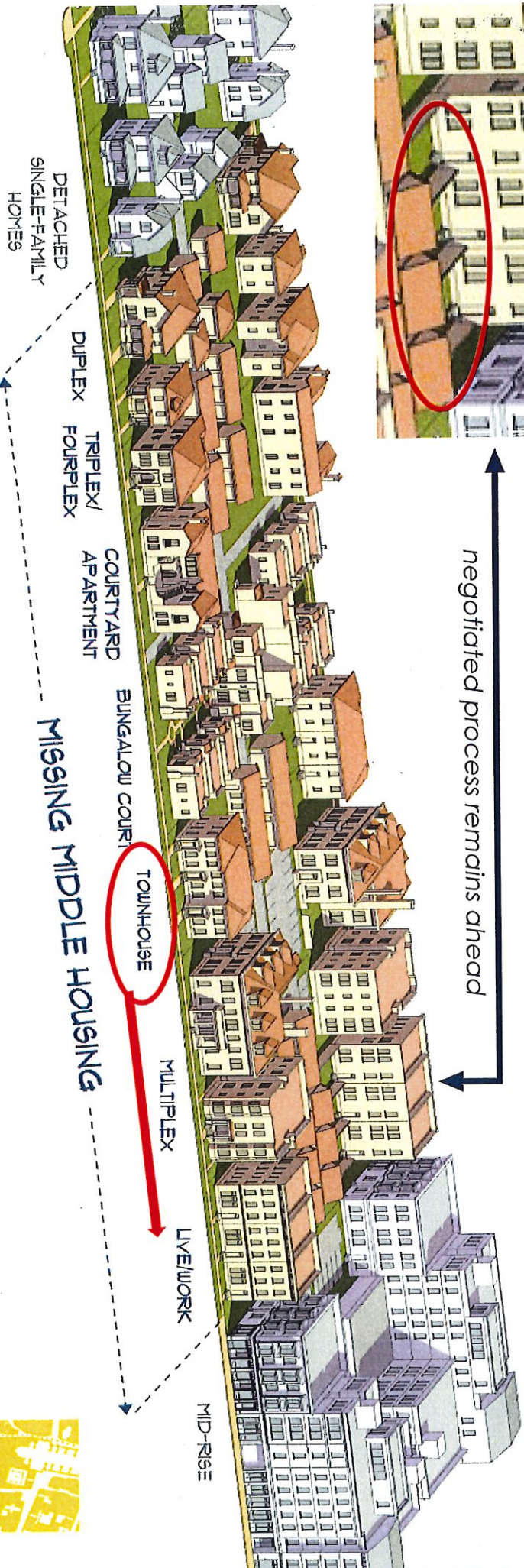
- ▶ Affordable Mixed Use Inter-Generational Community providing dwellings as Townhouses and Two-over-two style Townhouse condominiums
- ▶ Combined with Senior Independent Living and Child Day Care in the community
- ▶ Open spaces, victory gardens, pedestrian friendly streetscapes, SWM bioswales as features, tot lots, dog park, food truck spot

VISION

05JAN2021

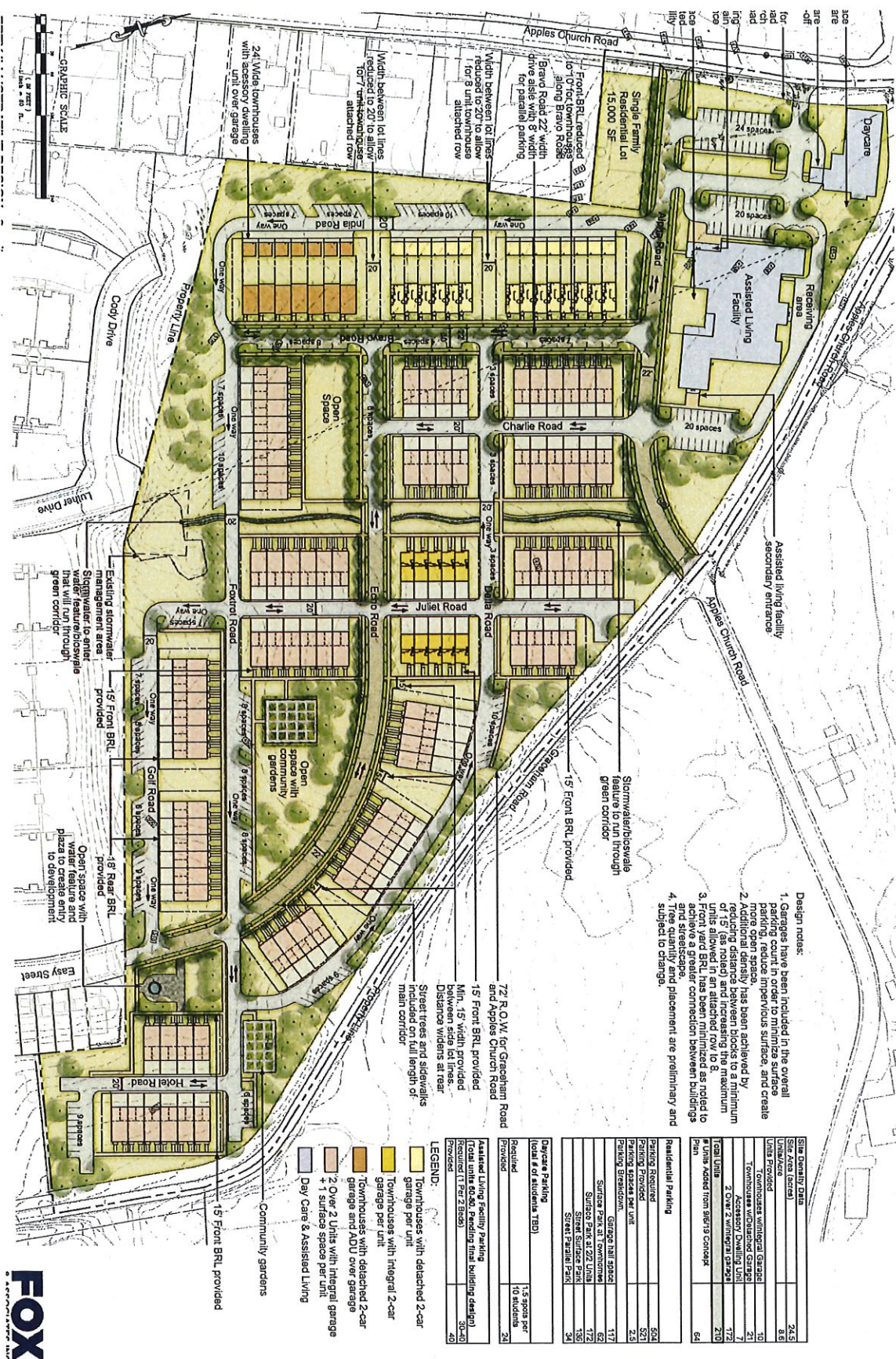


negotiated process remains ahead



Asked to achieve density of 10+ EDU per acre





FOX

NEW

CONCEPT

PLAN

VERSION

SIX

04DEC20

NINE EDU

PER ACRE

5



DRAFT

DRAFT

**NEW
CONCEPT
PLAN**

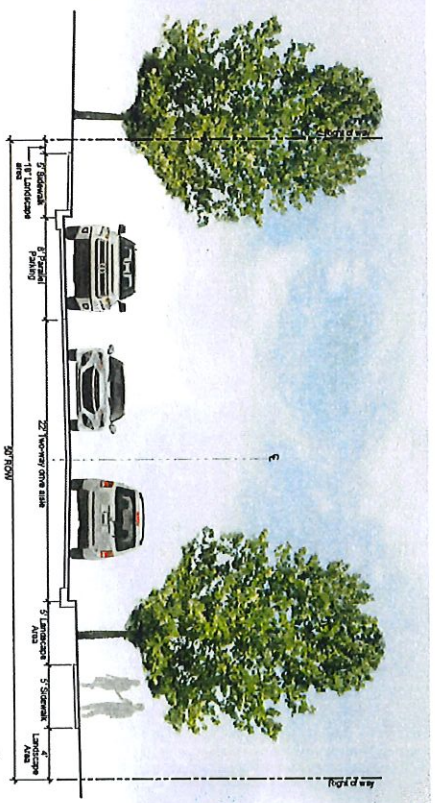
**VERSION
SIX**

**04DEC20
NINE EDU
PER ACRE**



DRAFT

NEW CONCEPT PLAN



SECTION 2 - Echo Road with parallel direct parking
SHIMMERS PROPERTY - ILLUSTRATIVE EIGHT SECTIONS

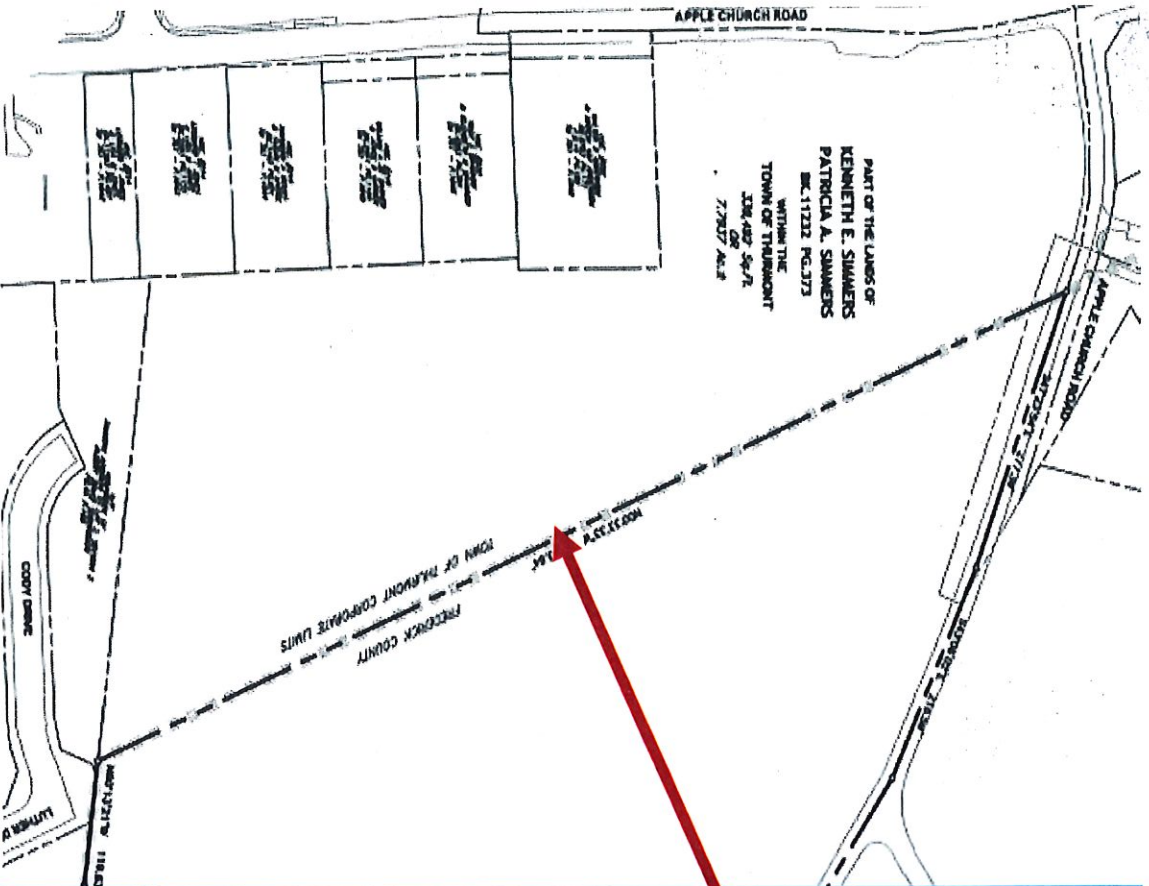
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04DEC20
NINE EDU
PER ACRE
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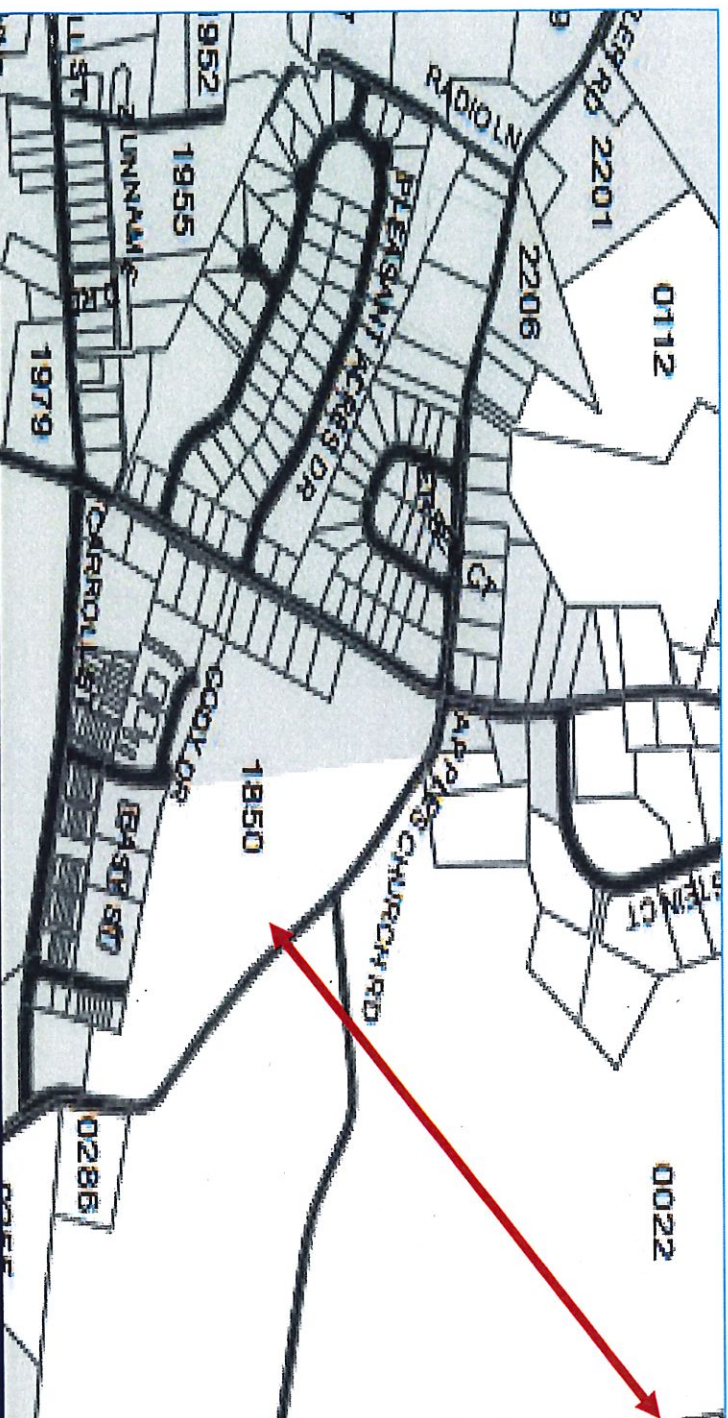
Zoning Districts

OS	Open Space	MXV-1	Mixed Use Village
A1	Agriculture	MXV-2	Mixed Use Village
R1	Residential	TB	Town Business
R2	Residential	GB	General Business
R3	Residential	I1	Industrial
R4	Residential		
R5	Residential	TND	Traditional Neighborhood Development

Request for Rezoning of the part in the Town to R-5 was submitted Sept 2020

Thurmont Zoning Change

05JAN2021

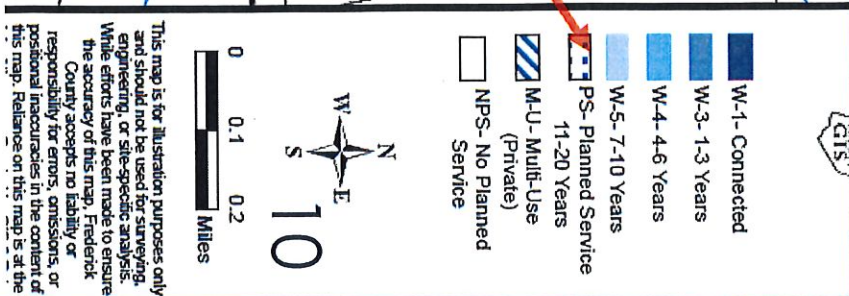
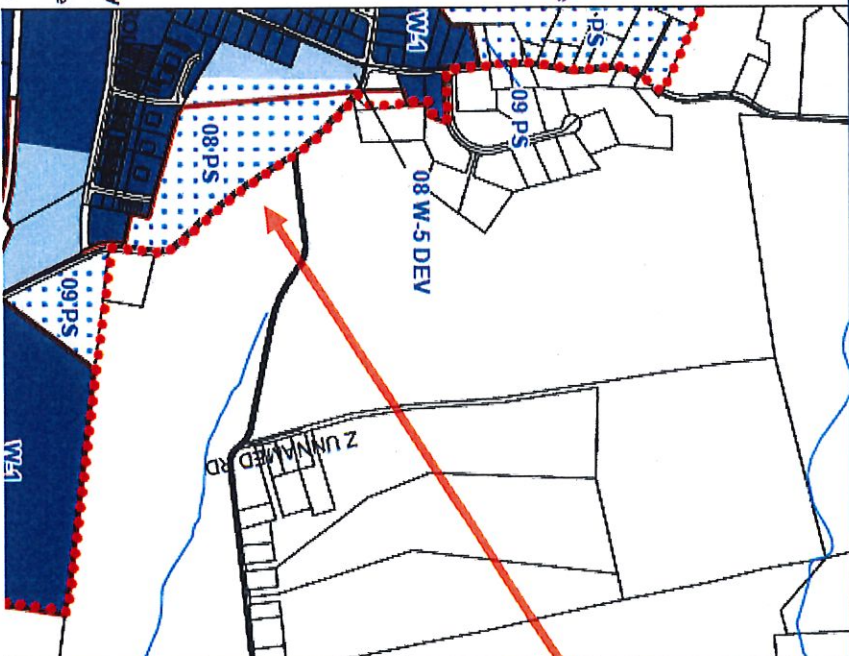


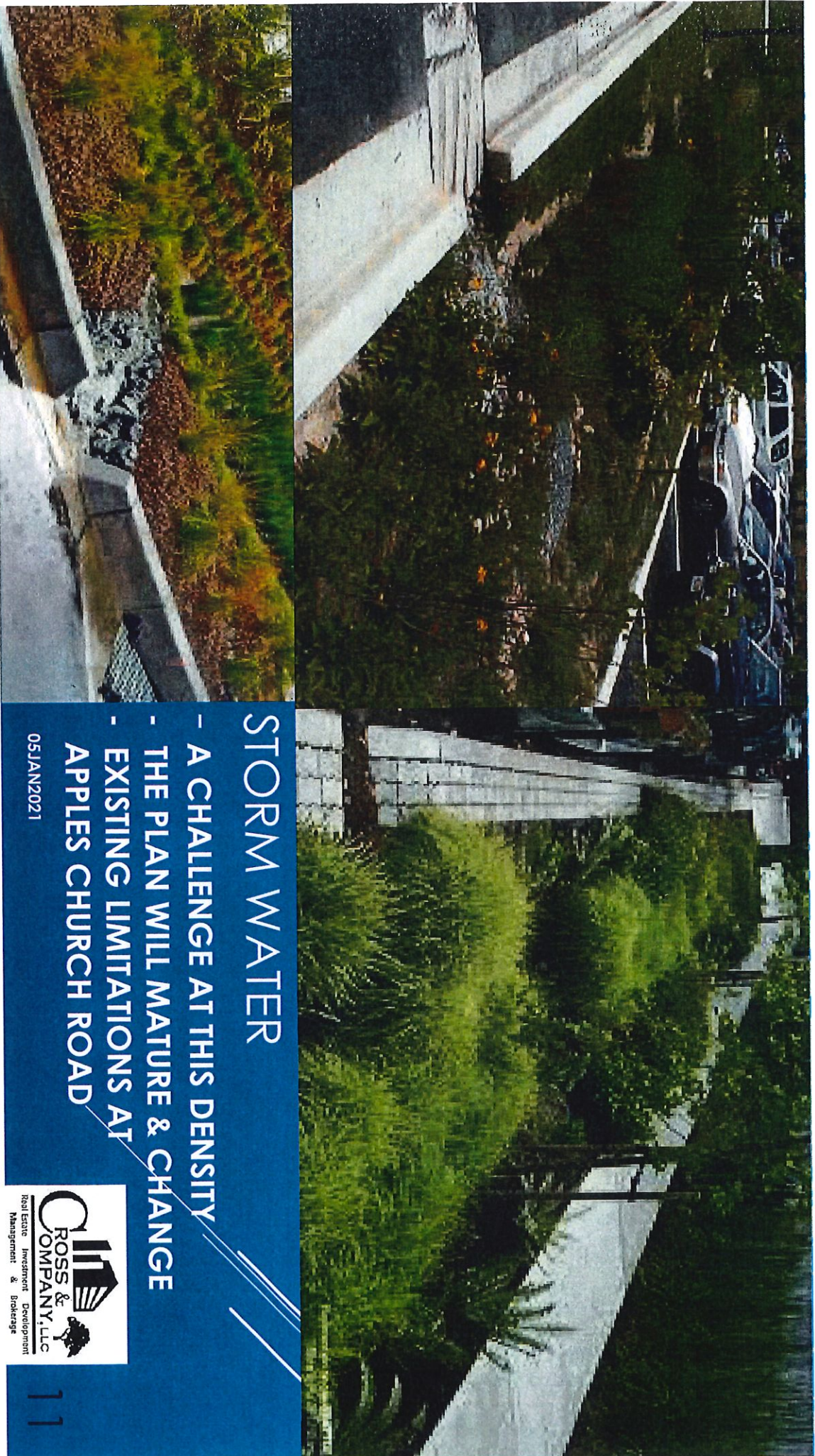
	A - Agricultural
	RC - Resource Conservation
	OSR - Open Space Recreation
	R1 - Low Density Residential
	R3 - Low Density Residential
	R5 - Medium Density Residential
	R8 - Medium Density Residential
	R12 - High Density Residential
	R16 - High Density Residential
	PUD - Planned Unit Development
	VC - Village Center
	GD - General Commercial
	GI - General Industrial
	LI - Limited Industrial
	ORI - Office/Research/Industrial

Petition for Annexation of that portion in Frederick County and in Town growth area – Zone R5 ~ Frederick County Council Express Approval of Thurmout action will be needed

The map displays a residential neighborhood with several streets and property lots. Key features include:

- Streets:** S4, 76 S-5, 0022, 0023, 0073, 0071, 0072, 0073, 0074, 0075, 0076, 0077, 0078, 0079, 0080, 0081, 0082, 0083, 0084, 0085, 0086, 0087, 0088, 0089, 0090, 0091, 0092, 0093, 0094, 0095, 0096, 0097, 0098, 0099, 0100, 0101, 0102, 0103, 0104, 0105, 0106, 0107, 0108, 0109, 0110, 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0119, 0120, 0121, 0122, 0123, 0124, 0125, 0126, 0127, 0128, 0129, 0130, 0131, 0132, 0133, 0134, 0135, 0136, 0137, 0138, 0139, 0140, 0141, 0142, 0143, 0144, 0145, 0146, 0147, 0148, 0149, 0150, 0151, 0152, 0153, 0154, 0155, 0156, 0157, 0158, 0159, 0160, 0161, 0162, 0163, 0164, 0165, 0166, 0167, 0168, 0169, 0170, 0171, 0172, 0173, 0174, 0175, 0176, 0177, 0178, 0179, 0180, 0181, 0182, 0183, 0184, 0185, 0186, 0187, 0188, 0189, 0190, 0191, 0192, 0193, 0194, 0195, 0196, 0197, 0198, 0199, 0200, 0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210, 0211, 0212, 0213, 0214, 0215, 0216, 0217, 0218, 0219, 0220, 0221, 0222, 0223, 0224, 0225, 0226, 0227, 0228, 0229, 0230, 0231, 0232, 0233, 0234, 0235, 0236, 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248, 0249, 0250, 0251, 0252, 0253, 0254, 0255, 0256, 0257, 0258, 0259, 0260, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0268, 0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0283, 0284, 0285, 0286, 0287, 0288, 0289, 0290, 0291, 0292, 0293, 0294, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0309, 0310, 0311, 0312, 0313, 0314, 0315, 0316, 0317, 0318, 0319, 0320, 0321, 0322, 0323, 0324, 0325, 0326, 0327, 0328, 0329, 0330, 0331, 0332, 0333, 0334, 0335, 0336, 0337, 0338, 0339, 0340, 0341, 0342, 0343, 0344, 0345, 0346, 0347, 0348, 0349, 0350, 0351, 0352, 0353, 0354, 0355, 0356, 0357, 0358, 0359, 0360, 0361, 0362, 0363, 0364, 0365, 0366, 0367, 0368, 0369, 0370, 0371, 0372, 0373, 0374, 0375, 0376, 0377, 0378, 0379, 0380, 0381, 0382, 0383, 0384, 0385, 0386, 0387, 0388, 0389, 0390, 0391, 0392, 0393, 0394, 0395, 0396, 0397, 0398, 0399, 0400, 0401, 0402, 0403, 0404, 0405, 0406, 0407, 0408, 0409, 0410, 0411, 0412, 0413, 0414, 0415, 0416, 0417, 0418, 0419, 0420, 0421, 0422, 0423, 0424, 0425, 0426, 0427, 0428, 0429, 0430, 0431, 0432, 0433, 0434, 0435, 0436, 0437, 0438, 0439, 0440, 0441, 0442, 0443, 0444, 0445, 0446, 0447, 0448, 0449, 0450, 0451, 0452, 0453, 0454, 0455, 0456, 0457, 0458, 0459, 0460, 0461, 0462, 0463, 0464, 0465, 0466, 0467, 0468, 0469, 0470, 0471, 0472, 0473, 0474, 0475, 0476, 0477, 0478, 0479, 0480, 0481, 0482, 0483, 0484, 0485, 0486, 0487, 0488, 0489, 0490, 0491, 0492, 0493, 0494, 0495, 0496, 0497, 0498, 0499, 0500, 0501, 0502, 0503, 0504, 0505, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0515, 0516, 0517, 0518, 0519, 0520, 0521, 0522, 0523, 0524, 0525, 0526, 0527, 0528, 0529, 0530, 0531, 0532, 0533, 0534, 0535, 0536, 0537, 0538, 0539, 0540, 0541, 0542, 0543, 0544, 0545, 0546, 0547, 0548, 0549, 0550, 0551, 0552, 0553, 0554, 0555, 0556, 0557, 0558, 0559, 0560, 0561, 0562, 0563, 0564, 0565, 0566, 0567, 0568, 0569, 0570, 0571, 0572, 0573, 0574, 0575, 0576, 0577, 0578, 0579, 0580, 0581, 0582, 0583, 0584, 0585, 0586, 0587, 0588, 0589, 0590, 0591, 0592, 0593, 0594, 0595, 0596, 0597, 0598, 0599, 0600, 0601, 0602, 0603, 0604, 0605, 0606, 0607, 0608, 0609, 0610, 0611, 0612, 0613, 0614, 0615, 0616, 0617, 0618, 0619, 0620, 0621, 0622, 0623, 0624, 0625, 0626, 0627, 0628, 0629, 0630, 0631, 0632, 0633, 0634, 0635, 0636, 0637, 0638, 0639, 0640, 0641, 0642, 0643, 0644, 0645, 0646, 0647, 0648, 0649, 0650, 0651, 0652, 0653, 0654, 0655, 0656, 0657, 0658, 0659, 0660, 0661, 0662, 0663, 0664, 0665, 0666, 0667, 0668, 0669, 0670, 0671, 0672, 0673, 0674, 0675, 0676, 0677, 0678, 0679, 0680, 0681, 0682, 0683, 0684, 0685, 0686, 0687, 0688, 0689, 0690, 0691, 0692, 0693, 0694, 0695, 0696, 0697, 0698, 0699, 0700, 0701, 0702, 0703, 0704, 0705, 0706, 0707, 0708, 0709, 0710, 0711, 0712, 0713, 0714, 0715, 0716, 0717, 0718, 0719, 0720, 0721, 0722, 0723, 0724, 0725, 0726, 072





STORM WATER

- A CHALLENGE AT THIS DENSITY
- THE PLAN WILL MATURE & CHANGE
- EXISTING LIMITATIONS AT APPLES CHURCH ROAD

05JAN2021





Thank you... Q&A

Daniel C. Cross, CCIM

Captain, US Navy (Retired)

Cross & Company, LLC

Real Estate Investment, Development, Management & Brokerage

Mobile: 202-494-2948 / Office 301-682-9015

Daniel@CrossAndCompany.com

5301 Buckeystown Pike, Suite 304

Frederick, MD 21704





CONCEPT PLAN (DRAFT)

9/24/2019

Housing:

Duplex Units: 6

Townhomes: 52

Apartment Units: 88

Total: 146

Senior Living: 40

Mix of Independent & Assisted Living: 20

Memory Care: 20

Total: 60

August 2020 feedback:

- Too automobile centric
- Needs better street spaces
- Needs greater density for an area designated as High Density