

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

AGENDA  
Monday, August 19, 2013  
7:00 p.m.

- I. Public Comment
- II. Minutes of July 2013 Planning Commission meeting Approval
- III. Plan Review
  - The Valley School Demolition Plan Update
  - The Valley School Site Plan Discussion/Approval
  - The Valley School Improvement Plans Discussion/Approval
  - Cross Stone Commons Addition Plat Discussion/Approval
  - Cross Stone Commons Site Plan Discussion
  - Middletown Fire Station #7 Concept Site Plan Discussion
  - High School C-Container approval extension request Discussion/Approval
- IV. Zoning
  - Violations
- V. Miscellaneous
- VI. Additional Public Comment

**\*\* All requests to be on the Planning and Zoning Agenda must be received at the Middletown Planning and Zoning office in the Middletown Municipal Center, 31 W. Main Street, Middletown by noon on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, although electronic plans are preferred.**

**MIDDLETOWN PLANNING COMMISSION**  
**31 West Main Street**  
**Middletown, Maryland**

**Regular Meeting**

**July 15, 2013**

The regular meeting of the Middletown Planning Commission took place on Monday, July 15, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Chairman Carney, Commission members Bob Miller, Bob Smart, David Lake, Rich Gallagher, Ron Forrester, Commissioner Chris Goodman, Bruce Carbaugh, Director of Operations & Construction and Cindy Unangst, Staff Planner.

**I. PUBLIC COMMENT** – Commission Member Lake noted that the City of Frederick Planning Commission alternates now have designated voting privileges and purposes.

**II. Regular Meeting Minutes of June 17, 2013 – approved as submitted.**

**III. PLANS**

**The Valley School Demolition Plan** – Cindy stated that there was discussion about this plan at the workshop and there were not any major issues. Bruce Carbaugh visited the site today and said that there is a water line running to the property from the existing house on Main Street as well as electric service to both the garage and shed. Chris Mayo, from Harris Smariga, said the water line would be capped and they would do what is needed with the electric lines. Bruce stated that the demolition plan should indicate that the Ginkgo tree will be saved. Alternate Commission Member Ron Forrester asked confirmation that the demolition was planned for fall of 2013 and not 2014. The applicant did confirm the 2013 date.

Motion by Commission Member Lake to conditionally approve the demolition plan contingent on the site construction beginning within 60 days of completion of the demolition work, or restoration shall occur and be completed with 30 days of completion of the demolition work, seconded by Smart. Motion carried (5-0).

**The Valley School Site Plan** – Cindy read thru her staff report and then Commission Chairman Carney reiterated his statements from the workshop regarding Site Plan notes #'s 13 (Site Lighting), 16 (Sign Regulations), and 18 (Handicapped Accessibility). He also asked whether the applicant had made a decision on whether the trash enclosure would be brick or wood. The applicant said that it would be made of brick. Cindy also went thru a few of the comments received from ARRO Engineering's review of the plans. There was discussion about the placement of handicapped ramps, the grading of the play area, and the water meter size and standards.

The discussion regarding the signage resulted in agreement that the monument sign would be placed in the location shown on the Site Plan and would be parallel to the street, not more than 4-feet high, no more than 12-square feet in size, and have no lighting associated with it. The lighting plan was also discussed at length and the applicant stated that revised plans would be submitted that would show a reduction in the light pole heights as well as reducing the wattage of the lights.

Commission Member Lake proposed to the commission that they conceptually approve the plans and all members agreed that they recognized the plans as being appropriate. The applicant will resubmit revised plans to the commission for their August meeting.

**The Valley School Improvement Plans** – Bruce went over the comments he had from his review for the applicant's information. The Improvement Plans will also be revised and resubmitted for the August Planning Commission meeting.

#### IV. ZONING

**Violations** – Camper at 15 Manda Court is gone. James Gang 'open' sign is no longer flashing.

Commission Member Lake asked about the status of the Thompson parking lot and its on-going zoning violation. Cindy read the e-mail she received last week from Thompson's engineer, Bill Ryan, which stated that he intends to wrap up the stormwater management design in the next several weeks. Lake said that time limits are needed for this project and the zoning violation needs enforcement. The zoning administrator was asked to speak to the property owner to reach a consensus on moving this project forward with start and completion dates. If they are not met, then fines should be imposed.

The 'queen mattress' signs around town were mentioned, and Cindy said she would collect them.

#### V. MISCELLANEOUS

**Wayfinding Signs Proposal** – The Planning Commission members agreed at the workshop that they would like to put this issue on the Joint Town Board's agenda for the August 5, 2013 meeting.

Alternate Commission Member Ron Forrester agreed to be the Planning Commission liaison to the Middletown Main Street Board and will attend their meeting scheduled for August 15, 2013.

#### VI. ADDITIONAL PUBLIC COMMENTS – none

Meeting adjourned at 7:45pm.

Respectfully submitted,

Cynthia K. Unangst  
Staff Planner and Zoning Administrator

## Middletown Planning Office

### MEMORANDUM

Date: 8/7/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **THE VALLEY SCHOOL DEMOLITION SITE PLAN**

Tax Map Parcel #03-588489

Applicant: Christine Mayo, Harris, Smariga & Associates

Property Owner: LAM Properties

Plan Dated: May 2013, Revised July 29, 2013

Date Received: August 5, 2013

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### GENERAL INFORMATION

Proposal: Remove an existing 655 square-foot shed, 580 square-foot garage, walkway and barbecue with stone wall in order to prepare the site for construction of The Valley School

Location: East Green Street, approximately 850 feet east of the intersection of East Green and North Church Streets

Zoning: R-2 Residential

Present Use: Vacant storage buildings

### COMMENTS

The following issues should be considered in your review of this Site Plan:

1. The reason for the proposed demolitions is to prepare the site for construction of The Valley School, a daycare center.
2. With approval, demolitions would be concurrent with site construction activities in the Fall of 2013. According to the demolition regulations, all demolitions and post demolition restoration shall be completed within 90 days of issuance of a demolition permit unless otherwise approved by the Planning Commission. The Planning Commission therefore might grant the approval of the demolitions to be done concurrent with the site construction activities instead of within 90 days of issuance of the permit.
3. All requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.

4. An aerial photograph of the buildings to be demolished (marked with the X) has been attached to this memo along with a site plan that shows the location of the shed, stone wall, walkway and garage to be removed.
5. Letters were sent to the adjacent property owners informing them of the proposed demolitions. The property has been posted as well.
6. The demolition plan had been conditionally approved by the Planning Commission at their July meeting contingent on the site construction beginning within 60 days of completion of the demolition work, or restoration shall occur and be completed within 30 days of completion of the demolition work. A note stating this is included on the revised plan (Note #8). The date in Note #2 has been revised from Fall of 2014 to Fall of 2013.
7. At the July PC meeting, Bruce Carbaugh, Town Engineer, had noted that there was electric service to both the garage and the shed. A note on the plans has been added that states that the existing electrical service to the garage and shed will be disconnected.
8. There was also discussion at the July meeting about the large Gingko tree on the property. It had been proposed to remain on the site as a shade tree for the adjacent playground area. Since that meeting, the applicant has done research on gingko trees and has determined that it is in the best interest of the property owner to remove the tree during site construction instead of allowing it to remain. A letter from the applicants landscape architect is included which explains the concern about retaining the tree.
9. The demolition plan will need to be reviewed and approved by Frederick County.

This review will be included in the Middletown Planning Commission materials for the August 19, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2013.

cc: LAM Properties  
Chris Mayo, Harris, Smariga & Associates



**Harris, Smariga & Associates, Inc.**

**Planners/Engineers/Surveyors**

**125 South Carroll Street, Suite 100 Frederick, MD 21701  
(301) 662-4488, FAX (301) 662- 4906**

July 30, 2013

Ms. Cynthia Unangst, Planning and Zoning Administrator  
Municipal Center  
31 West Main Street  
Middletown, MD 21769

Dear Ms. Unangst:

I have been asked to present my professional opinion on the use of Ginkgo (*Ginkgo biloba*) trees in the landscape, specifically a child care center playground.

The Ginkgo tree is native to China and is one of the oldest known species of tree on earth. Some of the trees are female trees, others male trees. The male trees produce pollen producing catkins and the female produces ovules or seeds that contains butyric acid that produces a strong smell like rancid butter once they fall to the ground. Most trees don't flower until they are over 20 years old which creates a problem in determining the sex of the tree.

Most commercially grown Ginkgo trees are grafted trees so to produce male trees and avoid the selling of female trees. According to research, the recent problems in urban landscapes with the messy unpleasantness created by dropping fruit is most likely due to the original male clone dying and the female rootstock becoming dominant.

From observation of the tree in the field at the Valley School site, there was no indication of the sex of the tree or if the tree had been grafted. The school does not know if this tree will produce fruit. If it does, it will create an undesirable and unsafe playground. The school would then have to remove the tree and disrupt the operation of the school's outside activities.

In my opinion, it would be best to remove the tree during site construction. It is not a native tree and it has the potential to cause problems to the school.

Sincerely,

S. Francis Zeller  
Principal





Photo: Photographer: Sten Forse (<http://upload.wikimedia.org/wikipedia/commons/f/f2/Ginkgo-bloba-male.JPG>)

Recently Ginkgos have exploded in popularity as street trees – but, due to the stinky fruits produced by the females each year, only males are allowed to be planted along public streets.

This means that only male Ginkgos are socially acceptable. The females – not so pleasant to be around in polite society.



Photo: Fritz Geller-Grimm  
([http://upload.wikimedia.org/wikipedia/commons/5/51/Ginkgo\\_fq01.jpg](http://upload.wikimedia.org/wikipedia/commons/5/51/Ginkgo_fq01.jpg))

However, once mature, more than one homeowner has been unpleasantly surprised when their formerly "male" Ginkgo suddenly starts bearing the squishy fruits, dropping them all over the sidewalk, street, cars, etc. In fact, in some US states, this "sex change" is considered good reason for removing the tree.

How does this sex change happen?

By grafting. Take a young female Ginkgo, cut the top off just above the ground. Now graft a young male Ginkgo onto the stump left from the female tree.

Result? A male Ginkgo. Plant it, watch it grow, enjoy its fossil-like leaves and growth pattern. But when mature, the grafted female stump sometimes can cause the "male" top portion to revert to its female roots!

Just another fascinating sideline to this ancient tree that survived the dinosaurs.



34 EAST GREEN STREET

32 EAST GREEN STREET

31 EAST MAIN STREET

29 EAST MAIN STREET

28 EAST GREEN STREET

28 EAST GREEN STREET

27 EAST MAIN STREET

25 EAST MAIN STREET



## Middletown Planning Office

### MEMORANDUM

Date: 8/7/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **THE VALLEY SCHOOL SITE PLAN**

Tax Map Parcel #03-588489

Applicant: Christine Mayo, Harris, Smariga & Associates

Property Owner: LAM Properties, LLC

Plan Dated: May 2013, Revised July 19, 2013

Date Received: August 5, 2013

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#### GENERAL INFORMATION

Proposal: Construction of a 4,050 square foot child day care center.

Location: 30 East Green Street, approximately 850 feet east of the intersection of East Green and North Church Streets

Zoning: R-2 Medium Density Residential. The R-2 district permits numerous uses including child daycare centers by special exception. Special exception approval was granted by the Middletown Board of Appeals on May 8, 2103.

Present Use: Vacant shed and garage buildings

#### COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **Use and lot requirements** – The proposed use is for a child daycare center which has been approved as a special exception use on the subject property. Lot area requirements for child care centers are a minimum 12,000 square foot lot area and a minimum lot width of 100 feet. The property is 27,878 square feet with a lot width of roughly 170 feet. The required yard setbacks are 25 feet from all property lines. The setbacks shown for the building are 26.9 feet for the east side yard, 67.2 feet for the west side yard, 25 feet for the rear yard, and 87.8 feet for the front yard. The play area is fully fenced and 4,695 square feet in size.

In residential districts, no building shall exceed two and one-half stories or 35 feet in height according to Section 17.16.050 of the Town Code. The site plan indicates that the proposed building will be 20.5 feet in height.

2. **Existing use** – The prior use of this property included use of the shed and the garage as storage facilities and was previously part of the large lot that included 29 East Main Street.
3. **Floor area requirements for child care centers** – The floor area requirements for child care centers is a minimum of 35 square feet of usable floor space for each child. The proposed plans show an average of 37.32 square feet per child. Sheet 1 (SP-1) of the plans shows a floor plan with the required minimum floor area per room and the actual square footage which complies with the regulations.
4. **Parking** – The regulations for child care centers is one parking space per seven pupils plus one per employee. The plans show that there will be 71 students according to the floor plan and Site Plan Note 14. The note also indicates that there will be 10 employees. Given the number of students at 71 and 10 employees, the required number of spaces would be 20 spaces. The plans show the required number of parking spaces are being met as well as the parking space sizes. According to Section 17.32.060F. all required parking areas and all access drives shall be paved with concrete or bituminous paving or other dust free surface. The proposed access driveways meet the requirements of Section 17.32.060G. regarding width and distance between driveways.

The number of spaces required for handicapped accessibility is one for the given number of spaces required by the Town Code. The site plan shows that this requirement is being met. Section 17.32.070 of the Town Code states that every building used for commercial uses shall provide space on the property to be used exclusively for loading and unloading of vehicles. The required space(s) for the proposed square footage is one space which is shown on the east side of the building and meets the town's regulations in terms of size.

5. **Landscape plan** – The landscape plan looks very thorough regarding the number and diversity of overstory and understory trees, shrubs and groundcover. Changes recommended by the staff planner at the July meeting have been incorporated into the plan. The only comment at this point is that the plant list indicates that there are 11 Red Twig dogwoods, but the plan shows 10 of those symbols.
6. **Signage** – According to Section 17.36.130E. of the Town Code, a signage plan identifying the size, height and location of all signs should be included on all site plans reviewed by the planning commission. Under the Site Plan Note #16 on Sheet SP-1, it is indicated that the daycare will have one monument sign not to exceed 4-feet in height; the maximum size allowed for the monument sign would be 34.4 square-feet and a 12 – 16 square foot sign is being proposed. The location of the proposed monument sign is shown on the site plan as being to the west of the driveway on the east side of the property and will be parallel to the road.

7. **Lighting** – Site Plan Note #13 on Sheet SP-1 indicates that building mounted lights and three 15-foot tall pole lights will provide lighting for the site. Sheet SL-1 is a lighting plan that shows 11 building-mounted sconce locations and three 15-foot pole-mounted locations. Note #13 also states that the building and site will not be lighted on weekends or after 6:30pm. The lighting plan indicates that there is a significant change to the proposed lumens from the previous plans. Per Bruce's comments, the plans have been modified so that no more than 0.2 foot-candles (0.1 is shown) can be measured at adjacent residential properties and 0.8 at adjacent commercial sites and public rights-of-way.
8. **Playground size and slope** – Site Plan Note #19 was added based on ARRO's comment that the applicant should confirm that the outside play area is adequate based on the maximum number of children planned for the Day Care per state and local licensing requirements. Per the note, the playground size is more than adequate. The slope of the playground has been reduced from an 8% slope to no more than 2%.
9. **Water and Sewer requirements** – The property is an existing lot of record and therefore has an available water tap and sewer service.
10. **Site Plan requirements and review** – All requirements of Section 17.32.240 Site Plan requirements of the Town Code have been met. Approval of the site plan shall expire three years after the date on which the Planning Commission approves the site plan unless construction has begun.
11. **Ginkgo tree** - The revised plan Sheet SP-1 states that the existing ginkgo tree is to be saved. If it has been determined that it will be taken down, then the comment should be removed.
12. **Approval by Frederick County** – The Stormwater Management Concept Plan has been conditionally approved by the County.

This review will be included in the Middletown Planning Commission materials for the August 19, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2013.

cc: LAM Properties  
Chris Mayo, Harris, Smariga & Associates



**Harris, Smariga & Associates, Inc.**  
Planners/Engineers/Surveyors  
125 South Carroll Street, Suite 100 Frederick, MD 21701  
(301) 662-4488, FAX (301) 662- 4906

REVISED PLAN SUBMITTAL

To: Cyndy Unangst, Town of Middletown  
From: Chris Mayo  
Re: The Valley School Demolition and Site Plan Revisions  
Date: July 29, 2013

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The following revisions have been made to the demolition plan and site plan per comments received from the Town at July's Planning Commission workshop and meeting and from staff comments:

**DEMOLITION PLAN**

1. The date in Note # 2 has been revised from 2014 to 2013.
2. A note on the plan has been added that states electrical service to the garage and shed will be disconnected.
3. Note #8 has been added per PC discussion stating site construction must begin within 60 days of issuance of demolition permit. If it does not, site restoration must occur within 30 days.

**SITE PLAN**

**Final Site Plan**

1. The parking lot has been revised to provide a depressed curb adjacent to the access aisle in the handicap parking area.
2. The dumpster enclosure has been revised to a brick enclosure from a wooden enclosure.
3. The Code reference has been added to Note #18 concerning Handicapped Accessibility.
4. Note #16 has revised language which states that the sign will not be higher than 4 feet and no larger than 12-16 sf in size.
5. The signage has been relocated so it is parallel with the street.
6. All pole lights have been labeled.
7. The playground has no more than a 2% grade.

**Lighting Plan**

8. The lighting plan has been revised to per discussions with staff and Planning Commission by reducing footcandles around the building. By the IBC code, all exits must be lighted on outside while building is occupied.

9. The pole lights have a reduced wattage and reduced footcandles. No more than 0.2 footcandles can be measured at residential properties and 0.8 on the adjacent commercial property and the right of way.
10. A note has been added to Site Plan Note #13 that the building and site will not be lighted on weekends or after 6:30 pm on weekdays.

#### Landscape Plan

11. The shrub, *Nandina domestica*, has been replaced with Nordic Inkberry Holly. The Norway Spruce has been replaced with White Pine.
12. The discrepancies on the plant list with symbols, names and quantities have been corrected.
13. The spelling of Wichita has been corrected on the plant list.
14. The Willow Oak botanical name has been corrected.
15. The Ginkgo Tree is no longer shown as being saved. Please see letter from Fran Zeller, registered Landscape Architect

## Middletown Planning Office

### MEMORANDUM

Date: 8/7/2013

Hansen #13682

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **THE VALLEY SCHOOL IMPROVEMENT PLANS**  
Tax Map Parcel #03-588489  
Applicant: Christine Mayo, Harris, Smariga & Associates  
Property Owner: LAM Properties, LLC  
Plan Dated: July 2013, Revised August 5, 2013  
Date Received: August 5, 2013

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#### GENERAL INFORMATION

Proposal: Construction of a 4,050 square foot child day care center and associated parking.

Location: 30 East Green Street, approximately 850 feet east of the intersection of East Green and North Church Streets

Zoning: R-2 Medium Density Residential. The R-2 district permits numerous uses including child daycare centers by special exception. Special exception approval was granted by the Middletown Board of Appeals on May 8, 2103.

Present Use: Vacant shed and garage buildings

#### COMMENTS

The following issues should be considered in your review of these Improvement Plans:

1. **Use and lot requirements** – The proposed use is for a child daycare center which has been approved as a special exception use on the subject property. Lot area requirements for child care centers are a minimum 12,000 square foot lot area and a minimum lot width of 100 feet. The property is 27,878 square feet with a lot width of roughly 170 feet. The required yard setbacks are 25 feet from all property lines. The setbacks shown for the building are 26.9 feet for the east side yard, 67.2 feet for the west side yard, 25 feet for the rear yard, and 87.8 feet for the front yard. The play area is fully fenced and 4,695 square feet in size.

In residential districts, no building shall exceed two and one-half stories or 35 feet in height according to Section 17.16.050 of the Town Code. The site plan indicates that the proposed building will be 20.5 feet in height.

2. **Existing use** – The prior use of this property included use of the shed and the garage as storage facilities and was previously part of the large lot that included 29 East Main Street.
3. **Parking** –The proposed access driveways meet the requirements of Section 17.32.060G. regarding width and distance between driveways, and the parking areas and access drives meet the paving requirements of Section 17.32.060F.

The number of spaces required for handicapped accessibility is one for the given number of spaces required by the Town Code. The site plan shows that this requirement is being met. Section 17.32.070 of the Town Code states that every building used for commercial uses shall provide space on the property to be used exclusively for loading and unloading of vehicles. The required space(s) for the proposed square footage is one space which is shown on the east side of the building and meets the town's regulations in terms of size.

4. **Landscape plan** – The landscape plan submitted with the Improvement Plans has been further revised to correct the disagreement in the Site Plan submission of the number of Red Twig dogwoods proposed for the site. The number in the plant list now matches the number shown on the plans.
5. **Water and Sewer requirements** – The property is an existing lot of record and therefore has an available water tap and sewer service.
6. **Improvement Plan requirements and review** – All requirements of Section 16.32 Improvements of the Town Code have been met. Approval of the improvement plans shall expire three years after the date on which the Planning Commission approves the improvement plans unless construction has begun as defined by “start of construction.”
7. **Approval by Frederick County** – The Stormwater Management Concept Plan has been conditionally approved by the County and the County is now reviewing the Stormwater Management Development Plan along with the Improvement Plans.

This review will be included in the Middletown Planning Commission materials for the August 19, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2013.

cc: LAM Properties  
Chris Mayo, Harris, Smariga & Associates, Inc.

## Middletown Planning Office

### MEMORANDUM

Date: 7/31/2013

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS ADDITION PLAT**  
Tax Map Parcels #03-156044 and 03-174158  
Applicant: DMW, Mark Crissman  
Property Owner: Nancy R. Newton, et. al.  
Plan Dated: July 3, 2013  
Date Received: July 22, 2013

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#### GENERAL INFORMATION

Proposal: Combine the remainder of Farm Lot 1, Roderick Farm Lot (4.409 acres) with the remainder of Airview Acres, Section 1 (2.622 acres) into one building lot comprised of 6.959 acres and a right-of-way dedication of 0.072 acres. A "Shopping Center" use has been conditionally granted to the property by the Middletown Board of Appeals on May 8, 2013.

Location: West side of Middletown Parkway at the intersection with US Route 40-A (Old National Pike)

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses, including shopping centers, with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: Agricultural land.

#### COMMENTS

The following issues should be considered in your review of this Addition Plat:

1. **Addition plat requirements** – The requirements of Section 16.12.040 apply when the owner of a lot or parcel wishes to add additional land to said lot or parcel. According to Chapter 16.12.040A. of the Municipal Code, the addition plat shall show the following:

- Boundary survey of additional land
- The lot or parcel to which the addition is being made
- The original lot or parcel as required below:
  - If five acres or under remains, a boundary survey shall be made;

- If over five acres remain, a deed plotting can be used;
- Signature of a registered surveyor certifying it as an accurate survey
- A signature block for the planning commission's approval
- A note on the plat stating the following: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations"
- A road dedication, if applicable.

The addition plat shows all the information required, except for the fifth bullet above. Since a Site Plan was submitted at the same time as the Addition Plat, it does not seem to be necessary for that note to appear on the plat. A confirmatory deed shall be recorded and the addition plat shall be referenced in all successive deeds according to Note #2 on the plat.

2. **Minimum building restriction lines** – Although the plat shows the correct minimum building restriction lines of 40-foot front yard, 20-foot side yards, and 40-foot rear yard for the parcel within the General Commercial district, the list at the bottom of the plat which lists the minimum building restriction lines incorrectly shows the rear setback to be 'n/a' instead of 40 feet.
3. **Health Department approval by Frederick County** – The addition plat has been submitted to the County Health Department for their review and approval.
4. **Town Administrator review** – The Town Administrator is reviewing the capacity management plan submitted by the applicant for review of the water and sewer taps needed.

This review will be included in the Middletown Planning Commission materials for the August 19, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2013.

cc: Mark Crissman, DMW  
 Nancy Newton  
 Jeffrey and Lera Straits  
 John Thomas Moser Jr.  
 William Wiles  
 Matthew Axline  
 Marilyn Moser

## Middletown Planning Office

### MEMORANDUM

Date: 8/1/2013

Hansen# 13756

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS SITE PLAN**  
Tax Map Parcel #03-156044 and 03-174158  
Applicant: DMW and Lingg Property Consulting  
Property Owner: Nancy R. Newton, et. al.  
Plan Dated: June 2013  
Date Received: July 22, 2013

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#### GENERAL INFORMATION

Proposal: Lots are to be consolidated and developed with 35,357 square feet ± of commercial space in four separate buildings with 229 parking spaces. (Parking spaces have been reduced by seven since last Concept Plan review.)

Location: West side of Middletown Parkway at the intersection with US Route 40-A (Old National Pike)

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses, including shopping centers, with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: Agricultural land.

#### COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **GC District Uses** – Shopping centers are a special exception use in the GC District. The Town's definition of a shopping center is "one or more retail and/or commercial establishments on a lot greater than one acre, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size, type and number of shops to the trade area that the unit serves." The Middletown Board of Appeals approved the special exception use of a shopping center on May 8, 2013 conditional on the applicant receiving approval from the Planning Commission of an exemption from the yard and buffer requirements set forth within the specific standards for shopping centers, as well as Planning Commission approval for the landscaping plan and architectural review approval. Special exception regulations for shopping centers include a minimum lot area of five acres, a buffer yard of 100 feet in all instances where

the site adjoins an R district, and all buildings must be setback at least 50 feet from any property line and 100 feet from a street line.

The consolidation of the two parcels into one 7.0± acre lot meets the 5-acre minimum lot area. One of the four buildings is not setback the minimum of 50 feet from property lines, and there are not buffer yards of 100 feet where the site adjoins an R district. The buffer yard is to be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes. The size of the buildings, with the largest proposed as 13,000 square feet meet the maximum building size (60,000 square feet) for any individual unit in the shopping center; the proposed shopping center does not exceed 200,000 square feet of total floor area. The maximum height of a building in the GC district is three stories or 35 feet. General Note #3 states that the buildings will be 35-feet or less. (As a comparison for the size of the proposed CVS at 13,000 square feet, the existing CVS is 11,165 square feet.)

Additional special exception uses for the General Commercial district that would need a recommendation from the Planning Commission and subsequent approval by the Board of Appeals would be gas stations, private and commercial schools, retail of construction and building materials, vehicle repair and services, animal kennels and clinics, child care centers, and self-storage rental spaces for storage of personal goods.

2. **Site plan requirements** – Section 17.20.050 of the Municipal Code states that whenever any use is to be established within the GC district, a site plan of development must be submitted. The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. The submitted site plan is in conformance with this regulation. The site plan requirements listed in Section 17.32.240 for all site plan submissions have all been met as well.
3. **Curbs, gutters and sidewalks** – According to Section 16.28.030R. curbs, gutters and sidewalks shall be provided in front of all nonresidential lots. Due to the existing right-of-way along Middletown Parkway, the development will be set-back from the existing edge of paving. A sidewalk is proposed to run parallel to the street with a connection to the existing sidewalk along Route 40-A and also a sidewalk is proposed along the entrance across from Glenbrook Drive. The proposed sidewalk looks to be five-foot in width and is required by the above referenced section to be four feet to six feet in width.
4. **Traffic Impact Study** – A traffic impact study was prepared by Traffic Concepts, Inc. The key intersections (US 40A @ Middletown Parkway, Middletown Parkway @ North Site Access, Middletown Parkway @ Glenbrook Drive/South Site Access, and Middletown Parkway @ Holter Road) were analyzed to determine the peak hour level of service (LOS) using the required MD SHA Critical Lane Volume (CLV) method. A conservative 1% growth rate was applied to the two-year build-out period for the background condition. For the future condition, the proposed land uses used were a pharmacy with drive-thru, a fast food restaurant, a high turnover restaurant, and specialty retail. The analysis study results show the US 40A @ Middletown Parkway intersection operating at a “D” or better level of service; all other intersections showed “A” levels of service. Using the CLV method, the level of service “D” condition is the accepted

MD SHA and Frederick County threshold standard for intersections located outside of agricultural/rural areas.

5. **Lot requirements** – Within the GC General Commercial district, there is no minimum lot area or minimum lot width. The front yard depth is 40 feet, side yards are to be a minimum of 20 feet and the rear yard depth is to be at least 40 feet. Yard requirements in the GC district are to be measured from the parking area or structure, whichever is closest to the lot line. However, Section 17.20.070 of the Middletown Municipal Code states that upon a review and approval of the planning commission, subdivision lots in shopping centers may not have to comply with yard or frontage requirements of the zoning ordinance or subdivision regulations, providing the planning commission finds the appropriate recorded easements are established to provide perpetual access to public streets and public utilities. A letter to the Planning Commission is included with this staff report that is the applicant's formal request for Planning Commission approval of the exemptions from the yard requirements which are applicable to shopping centers in the General Commercial zoning district. The modifications requested are listed in a table under General Note #3 on Sheet 1 of the plans. Besides the list, it would be helpful to include an exhibit that spatially showed the modifications requested.

6. **Parking requirements for shopping centers** – The specific standards for a shopping center regarding parking are that parking be provided at the minimum ratio of 5.5 parking spaces for each 1,000 square feet of total floor area. Given the proposed square footage of 35,357 square feet, 195 spaces would be required. The plans show a proposed total of 229 spaces, which is seven less than the 236 spaces that was shown on the last concept plan that the planning commission reviewed.

Under the off-street parking regulations in Section 17.32.060, the parking spaces needed would be one per 90 square feet of gross floor area for eating establishments and one per 150 square feet of gross floor area for retail stores or shops. Given those numbers and the uses proposed in the traffic impact study, this could mean a minimum of 261 to 306 spaces needed.

Off-street loading space requirements (Section 17.32.070) state that every building used for commercial use shall provide space on the property to be used exclusively for loading and unloading of vehicles. The numbers of spaces required per the Code are one space for a building floor area up to 8,000 square feet, two spaces for 8,001-25,000 square feet, and three spaces for 25,001-40,000 square feet. If you look at the total square footage for the buildings, which is what the applicant did, the number of loading spaces required would be three as stated in General Note #4. If you were to determine the number of loading spaces required per building square footage, then building numbers 2 and 4 would require one loading space, and building numbers 1 and 3 would require two spaces each for a total of six loading spaces on the site. The applicant is proposing four spaces. The loading area at building 2 is difficult to discern and should be shown more clearly.

7. **Stormwater management approval by Frederick County** – A stormwater management plan based on the current configuration of the buildings and parking layout will need to be approved by Frederick County. A stormwater management concept plan based on the sketch plan reviewed in June 2012 was submitted to and approved by Frederick County as the plan appeared to be acceptable to them.

8. **Landscape plan** – Section 17.48.230G. of the Code states that when adjacent to an R district, a screen planting as approved by the planning commission and at least six feet in height must be provided along the R district boundary. The applicant is proposing a 6-foot high vinyl privacy fence along the boundary with the adjacent residential properties along with landscape screening. The landscape screening consists of Eastern Red Cedar trees, Leyland Cypress trees, and American Holly trees, which are all evergreens. The proposed trees are to be 5-6 foot, or 6-8 foot balled and burlapped plants. The variety of trees, shrubs and other plantings for the site are a good mix of native plants with a good distribution along the boundary and within the parking areas. The Planning Commission would like to see additional shrubs planted along the Middletown Parkway at building #1 to prevent car lights from shining onto the Parkway.
9. **Signage** – A proposed freestanding shopping center identification sign is indicated on the plans at the corner of Old National Pike and the Middletown Parkway. Signage should be further addressed at the Improvement Plan stage.
10. **Lighting** – A Lighting Plan is included in the plans. There will be building-mounted lights around the buildings at a mounting height of 16-feet, as well as 20-foot tall pole lights at the entrances to the development from the Middletown Parkway and in the parking lot. Photometrics are also shown on the plan. Bruce Carbaugh stated in his review of the lighting plan for The Valley School that typically the lighting levels the Town is accustomed to seeing in parking lots is 1 to 2 foot candles. As a comparison to the shopping center across the street, the light poles in the Safeway shopping center are 30-foot tall. The Planning Commission would like to see a plan that shows the lumen levels by contour to help distinguish more clearly what the proposed lighting levels will be.
11. **Architectural review** – According to the Middletown Municipal Code, the Planning Commission has architectural review authority for shopping centers. As mentioned at the Joint Town Board workshop on August 5, 2013, the Main Street Design Committee is happy to study the proposed plans and give feedback to the Planning Commission for your review. The staff planner has included a memo with an architectural review issues checklist, along with the memo from Becky Reich concerning design guidelines for new construction to aid the Planning Commission in its analysis.
12. **Approval by Frederick County** – The Stormwater Management Concept Plan has been approved by the County and a SWM Development Plan is currently under review with Frederick County.

This review will be included in the Middletown Planning Commission materials for the August 19, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2013.

cc: David Lingg, Lingg Property Consulting  
Mark Crissman, DMW  
Nancy Newton  
Jeffrey and Lera Straits  
John Thomas Moser Jr.

William Wiles  
Matthew Axline  
Marilyn Moser

**LINOWES**  
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July 18, 2013

**VIA HAND DELIVERY**

Middletown Planning Commission  
c/o Cynthia K. Unangst,  
Planner/Zoning Administrator  
Town of Middletown  
31 West Main Street  
Middletown, Maryland 21769

Re: **Site Plan for Cross Stone Commons Shopping Center**

Dear Cindy:

Please accept this application, filed on behalf of Middletown Valley Investment Partners, LLC (the "Applicant"), for approval of a final site plan to permit the construction of a shopping center, to be known as Cross Stone Commons, on the property identified as Parcel 214 on Tax Map 65 and Parcel 549 on Tax Map 501 located in the Town of Middletown, Maryland (the "Property").

As you know, on May 8, 2013, the Middletown Board of Appeals (the "Board") granted the Applicant a special exception to establish a shopping center, containing approximately 35,357 square feet of commercial floor space, on the Property. As part of the approval process for the special exception, the Planning Commission and the Board considered the Applicant's proposed concept plan, which showed the proposed shopping center structures laid out on the Property with yards and building setbacks that require the Middletown Planning Commission (the "Planning Commission") to approve exemptions pursuant to Section 17.20.070 of the Zoning Ordinance. Thus, please consider this letter the Applicant's formal request for Planning Commission approval of exemptions (as authorized in Section 17.20.070 of the Zoning Ordinance) from the yard requirements (including but not limited to building setbacks) which are applicable to shopping centers in the General Commercial zoning district pursuant to Sections 17.48.230 and 17.20.060 of the Zoning Ordinance.

In support of this request, and as the Applicant discussed during the public hearings and workshops conducted in connection with its special exception application, the Applicant notes

that the two parcels that make up the Property are narrow, oddly shaped, and have limited development potential.<sup>1</sup> The enclosed Site Plan proposes the consolidation of the two parcels into one parcel consisting of approximately seven (7) acres; however, even as consolidated, the Property presents considerable development challenges because it narrows to widths of 209.3 feet and 183.6 feet at two points where the parcel abuts two of the residential lots. With site constraints this significant, compliance with the building setbacks and yard requirements set forth in Sections 17.48.230 and 17.20.060 of the Zoning Ordinance would render a significant portion of the Property unbuildable and would prevent the Applicant from building an integrated shopping center on the Property. For this reason, the Applicant is requesting that the Planning Commission grant the Applicant exemptions to these yard requirements, pursuant to Section 17.20.070 of the Zoning Ordinance, and approve the enclosed Site Plan with the building setbacks and yards shown thereon.

Section 17.20.070 of the Zoning Ordinance, entitled "shopping center exemptions," states that:

"Upon a review and approval of the planning commission, subdivision lots in shopping centers may not have to comply with yard or frontage requirements of the zoning ordinance or subdivision regulations, providing the planning commission finds the appropriate recorded easements are established to provide perpetual access to public streets and public utilities."

As a preliminary matter, the Site Plan includes an internal vehicular and pedestrian circulation pattern that ensures perpetual access to public streets and the Site Plan includes the provision of public utilities to both existing parcels of record. The granting of an exemption is further appropriate in this case, as the purpose of the yard requirements set forth in Section 17.48.230 (building setbacks and buffer yards) is to ensure that shopping centers are "compatible with their surrounding areas and contribute to the unique community character of the Town of Middletown." The Applicant's proposed development of the Property as an integrated shopping center, rather than as individual standalone retail buildings, will result in a more attractive built environment that contributes to the unique character of the Town. In addition, in order to ensure the compatibility of the shopping center with the surrounding residential properties, the Applicant met with the owners of three of the adjoining residential properties<sup>2</sup> in order to discuss

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<sup>1</sup>The Applicant stated in its special exception application that Parcel 1 consists of one triangle tract of land connected by a single point on Middletown Parkway with another tract land that is roughly semicircular in shape. Parcel 1's odd shape is a result of dedication of right of way in connection with the realignment and construction of Middletown Parkway. This realignment rendered a portion of Parcel 1, the semicircular tract, virtually unbuildable. The triangular portion of Parcel 1 also has limited development potential due to its lack of any considerable depth. Parcel 2 is largely an interior parcel that runs along the rear boundary lines of four existing residential lots that front onto Old National Pike. Parcel 2 is also narrow and oddly shaped due to the fact that it is wedged between Parcel 1 and these existing residential lots.

<sup>2</sup> The Applicant has not yet made contact with the owner of the fourth property, due to a recent transfer of ownership.

how to mitigate the impact of the development of the shopping center (with the yards and setbacks shown on the Site Plan) on their properties. The Applicant reached agreement with two adjoining property owners, and has agreed to execute and record among the land records of Frederick County, a buffer easement that would require it to construct and maintain a six foot privacy fence along the western boundary of the Property and to install a vegetated landscape buffer within that buffer easement area. A copy of the proposed buffer easement is attached to this letter and is incorporated herein by reference. These two adjoining residential property owners agree that this buffer easement will adequately protect their property values.

In conclusion, this exemption request satisfies the requirements of Section 17.20.070 of the Zoning Ordinance, and the Planning Commission's approval of the requested exemption would grant the Applicant the flexibility that it needs to develop the Property as an integrated shopping center without unduly burdening the adjoining residential properties. Therefore, the Applicant requests that the Planning Commission grant the requested exemptions and approve the enclosed Site Plan with the yards and building setbacks shown thereon.

Thank you for your assistance, and please contact me, or my Associate, Lisa Lawler Graditor, with any questions regarding this application.

Sincerely,

**LINOWES AND BLOCHER LLP**



Bruce N. Dean

## Middletown Planning Office

### MEMORANDUM

Date: 6/19/13

To: Middletown Planning Commission

From: Cindy Unangst, Middletown Staff Planner

RE: Architectural Review issues checklist

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Here is a draft list of the types of issues the Planning Commission should look at in terms of doing an architectural review for a shopping center.

- Lighting of parking lots and along pedestrian walkways
- Off-street pedestrian connections and pedestrian flow
- Building orientation and form
  - Entrances and facades
  - Bulk of building – should match the sizes, scale and rhythm of windows and fronts of neighboring buildings
  - Building materials - Materials should match or complement the patterns, color, and appearance of surrounding buildings
  - Roof style
- Signage
- Parking and loading areas
- Perimeter conditions
- Access
- Use of plant materials
- Fencing

TO: Planning Commission  
FROM: Becky Reich, Main Street Manager  
RE: Design Guidelines for New Construction  
DATE: September 2012

**Background:**

The Planning Commission and the Main Street Design Committee have had previous conversations about implementing some type of design review guidelines for new construction. Much of the Middletown lies within 2 distinct but visually connected National Register Districts: the Middletown Historic District and the Airview Historic District.

Main Street Middletown will encourage preservation of historic structures, as preservation is a core value stated in our local mission, as well at the national Main Street Center, subsidiary of the National Trust for Historic Preservation. Main Street supports historic preservation because numerous academic and statistically based studies indicate:

- towns with regulated historic districts retain higher property values,
- towns with regulated historic districts are more attractive to tourists who are looking for authentic places to visit; historic tourism is a catalyst to economic development; Middletown has a unique history to share that can be interpreted through our historic building stock.
- preservation and maintenance measures are more times than not, the more sustainable treatment than new construction.

With that said, Main Street understands and also fully supports new growth and construction as long as it does not diminish the overall integrity and character of the two historic districts. Historic preservation and new growth can be good neighbors.

In order to assist designers, architects, and planners, The Secretary of Interior's Standards for the Treatment of Historic Properties offers this guidance:

***New work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.***

Because this simply isn't enough information to make an informed decision, it is up to each individual town, community, or county to come up with guidelines on how to understand what would really be compatible or not.

In this case, the historic property is the two National Register Districts that comprise a large portion of the Town of Middletown – which architecturally speaking – are very different districts. It will be a challenge to come up with one complete set of Commercial Zoning regulations that will speak to new construction that may occur to the East or West of the town's limits, versus the new construction that may occur within the heart of Main Street.

The Airview Historic District concentrates on the properties located within the 700 block of East Main Street. Characteristically, these homes are larger, more complex forms, and this district is entirely residential. Moving forward, anything constructed adjacent to this district should be more cognizant of the characteristics of this historic district.

Massing – the buildings in the Airview Historic District are generally hipped roof, squared massed buildings; often with multiple projections through gable windows, bay windows, and integral porches.

Size – the buildings within the Airview Historic District are all single family structures, 1 ½ to 2 ½ stories.

Scale – the buildings in the Airview Historic District are of a human scale. They do not have exaggerated features (example, entries that soar).

Architectural Features – Historically, the late Victorian/Queen Anne and Colonial Revival styles are represented in the Airview Historic District. Roofs tend to be hipped or side gable; many with multiple projections; walls are most often brick, wood, concrete block; windows in the Queen Anne Style and Colonial Revival style run from multiple panes over one pane, to 2/2, 6/6. Many of these buildings have distinctive architectural elements, such as porch trim, bargeboard (scroll work in the gable ends).

Therefore, in order to think about new construction that may appear in or in the nearby vicinity of the Airview Historic District, I would recommend to at least think about the following:

1. New construction in the adjacent commercial district will probably be a larger scale than a large, single family home. One way to direct the design so that the massing isn't out of place is to the use of setbacks within the footprint of the building, so that the mass of the building is visually broken into smaller pieces.
2. The new construction should be oriented to the street to be in keeping with construction along the larger historic National Road, but also to keep alignment with the rhythm set up within the Airview Historic District.
3. The size and scale should not be larger than the human scale. Design wise, I would recommend thinking about the building height, (which I believe is already restricted by zoning) the sizes of windows, entryways, and doors – nothing exaggerated.
4. Architectural features – I would suggest limiting the types of materials to brick, wood (or a high quality wood substitute that mimics wood in size, texture, and can be painted), stone, and concrete accents. I would recommend stating that the wood (or wood substitute) have a horizontal lap that is in keeping with the historical lap size. I would recommend adding language to the guidelines that would prohibit vertical board siding. I would recommend adding language that would prohibit glass on three sides of a building. I would also recommend language that would state that storefront windows should not dominate the front façade; a way to monitor the amount of store front glass on the front façade could be something no more than 50% of the wall cladding can be glass (I personally would go higher).
5. Since porches are a prominent feature on all of the houses in the adjacent Airview Historic District, I would look for some type of front porch entry feature, or a multi-gabled roof projections (that may also help with the massing)
6. I would not encourage Queen Anne/Victorian trim – even decorative trim defining feature of the predominant styles in the Airview Historic District. I think a new design would then look as though it is trying to recreate something versus new construction.

7. I would encourage a limit on the number of different window styles one building can have. One or two decorative windows of a different size can be interesting, more can be overwhelming. Additionally, I would recommend limiting the window styles to traditionally shaped windows, no triangles or trapezoids.
8. I would encourage roof cladding to be a composite shingle with texture to closely mimic shingles. I would encourage if the applicant wants a solar roof, there are solar products that mimic the size of shingles.

For the Middletown Historic District that comprises Main Street, there are more physical restrictions to the size the buildings can be; there are not a lot of blank spaces to infill.

Massing – I would hazard to guess that 80 to 85% of the buildings within the Middletown Historic District are 2-story, side gable (or cross gable) roofs, interspersed with some pretty significantly large buildings such as the Christ Reformed and Zion Lutheran churches. Buildings tend to be more rectangular than the more square massed homes found in the Airview Historic District.

Size – Generally, the buildings average two stories, although there are notable exceptions. Within the Middletown Historic District, there is a little more flexibility with size. I would recommend then, to include some type of language that allows for appropriate proportions. For example, a 3 ½ story building that is square massed would overwhelm a 1-story side gable structure. But a smaller 2-story building would not overwhelm. Design guidelines of other towns state to look at the range of buildings three to four on each side of the proposed lot to come out with the average size of that range of buildings. The worst case scenario would be one person collecting several adjacent parcels and constructing

Scale - There are notable exceptions though and while most of the buildings are of a human scale, there are buildings that have larger features (think of the entryway to the Middletown Valley Bank, or even Town Hall).

In conclusion, in order to understand the one brief sentence of what makes compatible infill in a historic district, one really needs to understand the characteristics of the buildings within the district to start thinking about what would look appropriate adjacent to and in the vicinity of a historic building/historic districts. While I am not suggesting the detail found in the sample below, it is an idea of how you can shape new construction so that the new blends in with the old.

#### SAMPLE:

These guidelines were developed from a town where I used to work – they had different issues – geographically each street rose up in elevation as it got further from Puget Sound, so views to the water were prized. However, geographically, the Town was much like Middletown in that it was geographically very separate from its neighbors; the historic district comprised most of the Town; the

commercial district was only one street within the historic district and there were commercially zoned properties adjacent to the historic district on the edge of town.

## **SITE**

Maintain the pattern in which buildings relate to the street..

### **9.1 A building should fit within the range of yard dimensions seen in the block.**

- The front yard setback should match the established range of adjacent traditional buildings.
- Where the setbacks are uniform, a building should be placed in general alignment with its neighbors.

### **9.2 Maintain the spacing of side yards.**

- Side yard setbacks should be similar to others in the block, as seen from the street.

### **9.3 In some areas, setbacks vary, but generally fall within an established range.**

- A greater variety in setbacks is appropriate in this case, but a building should be located within the typical setback range.

### **9.4 Orient the front of a house to the street and clearly identify the front door.**

- A prominent entry will contribute to the “pedestrian-friendly” character of the street.
- Use a porch element to define the entry.
- A first floor or entrance that is raised an entire story—to accommodate a garage—is inappropriate.

### **9.5 Design a porch to be similar to those seen historically.**

- A new porch should not visually overwhelm the primary facade.
- Use materials similar to those seen historically (wood balustrades and porch posts, or a new material that closely resembles wood) were most common.

### **9.6 Porch posts or columns should be of a substantial enough size that the porch does not appear to float above the entry.**

### **9.7 Maintain the visual connection of the building to the street.**

- A walkway should lead from the sidewalk to the main entry.
- Do not pave this area with concrete so it effectively serves as a parking lot.

## **Building Mass, Scale and Form**

Design a new building to reinforce a sense of human scale in Middletown. The mass and scale of residential buildings are important design issues in Middletown. The traditional scale of buildings—originally designed as single family houses—still dominates and enhances the pedestrian-friendly character of the streets. To the greatest extent possible, new construction should maintain this human scale. While new buildings are typically larger than many older houses, new construction should not be dramatically larger and cause the visual continuity of the neighborhood to be compromised. Simple roof designs with no more than two roof forms are preferred.

Also, while some larger institutional or multifamily structures were constructed historically, the tradition of single family residences dominates the character of the Middletown Historic District. In addition the majority of homes have simple roof configurations with no more than two types of roof forms. These traditions should be continued.

### **9.8 A new building should convey a sense of human scale. Consider the following techniques:**

- Use building materials that are of traditional dimensions.
- Provide a one-story porch that is similar in size to that seen traditionally.
- The building mass and scale should reflect that seen traditionally. This can be achieved in larger structures by dividing the building up into modules.
- Use window openings that are similar in size and location to those seen traditionally.

**9.9 A new building should not appear significantly larger than those single family structures seen traditionally.**

- A new building should not be greater than two stories in height.
- Subdividing the mass of a larger building into smaller “modules” that are similar in size to buildings seen traditionally is encouraged.
- Other, subordinate modules may be attached to the primary building form.
- The primary entry and doorway should not be lower than street level.

**Design and Development Standards 9-5**

**9.10 Step a larger building down in height as it approaches a historic house.**

- This will diminish the impact a new structure may have on a smaller historic house.

Use building forms that are similar to those of residential buildings seen traditionally. A similarity of building forms also contributes to a sense of visual continuity. In order to maintain this feature, a new building should have a basic form that is similar to that seen traditionally.

**9.11 Simple rectangular building forms with sloping roofs are preferred.**

- “Exotic” building forms that would detract from the visual continuity of the streetscape are discouraged.
- Building forms should be similar to those seen traditionally.

**9.12 Pitched gable and hip roofs are encouraged where they exist on surrounding historic houses.**

- Shed roofs are appropriate for porches or on small additive forms attached to a building.
- The majority of Middletown homes have simple roof configurations with no more than two types of roof forms. Examples of roof forms found in town are gable, shed, hip and clipped gable. However, some of the more high styled homes do have roof projections of gable, turrets, and conical shaped roofs. These more complex roof forms do exist in Town; however, the key is to blend in – designing with simplicity with a side gable, cross gable, or hipped roof will blend with the majority of the buildings best.

**Building Materials**

Use building materials that appear similar to those used traditionally in Steilacoom. Building materials of a new structure should be compatible with adjacent historic houses. They should appear similar to those seen traditionally to establish a sense of visual continuity. The majority of homes in Steilacoom use wood lap and shingle siding. No more than two primary visible wall materials, excluding foundations, should be used.

**9.13 Horizontal lap siding should be applied in a manner similar to that seen historically.**

- New materials should relate to the lap exposure, texture and finish of traditional wood siding.
- The use of trim boards, that show depth and typify high-quality construction, is encouraged.
- All wood siding should have a weather-protective, painted finish.
- Use of highly reflective materials, such as glass or polished metal, is inappropriate as a primary building material.

**9.14 The use of masonry that appears similar in character to that seen traditionally is also appropriate.**

- Brick should have a modular dimension similar to that used traditionally.
- Stucco may also be appropriate on building styles that typically incorporate these materials.

**9.15 New materials that are similar to traditional materials may be considered.**

- Alternative materials should appear similar in scale, proportion, texture and finish to those used traditionally.
  - They also should have a proven durability in locations that have a similar climate.
  - Aluminum and vinyl are inappropriate materials.
- 9.16 Roof materials should convey a scale and texture similar to those used traditionally.**
- Roof materials should be earth tones and have a matte, non-reflective finish.

### **Architectural Character**

Design a new building to be visually compatible with nearby historic houses. Features such as one-story porch elements which define entries, columns, posts and brackets contribute to the sense of character of the street and add visual interest to pedestrians. Their continued use in new construction is encouraged.

#### **9.17 Use simplified interpretations of architectural features that are common to traditional buildings in Steilacoom.**

- These include porch columns, balustrades, brackets, rafter ends, windows, doors and other trim elements.
- Historic details that were not found in Steilacoom are not appropriate.
- Other styles, such as Spanish Colonial Revival, Mission Revival, International Style and Art Moderne, that would also be misleading about the history of Steilacoom are inappropriate.
- See also Chapter 2: Architectural Resources for more information about the design character of traditional buildings.

#### **9.18 Using contemporary interpretations of historic styles is strongly encouraged for new buildings.**

- A new building should accurately convey the evolution of the Town and not mimic historic architectural styles.
- The exact copying or replication of historic styles is discouraged, but may be considered on a case-by-case basis.
- A new building should be complementary and compatible to the streetscape. Modern or futuristic styles that are incompatible to the streetscape are inappropriate.

#### **9.19 Building components should be similar in scale to those used historically.**

#### **9.20 Maintain the alignment of horizontal elements along the block.**

- Window sills, moldings and eave lines are among those elements that should align whenever possible with similar elements on adjacent historic properties.

### **Windows and Doors**

Windows and doors should be used in a manner similar to those seen traditionally. Windows and doors are some of the most important character defining features of houses. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window design often defines a historic building style. Usually they are inset into openings or they have surrounding casings and sash components which have substantial dimensions. Because windows and doors so significantly affect the character of a house, their design is a very important consideration.

#### **9.21 Windows and doors should be of a traditional size and should be placed in a similar solid-to-void relationship as historic buildings.**

- Windows should be simple in shape, arrangement and detail.
- Unusually shaped windows, such as triangles and trapezoids, may be considered as accents only.
- The number of different window styles should be limited.
- Most Steilacoom houses within the historic District have multi-paned windows.

**9.22 Windows and doors should be finished with trim elements similar to those used traditionally.**

- This trim should have a dimension similar to that used historically.
- Although a wood sash is preferred, new materials that are similar in scale to traditional wood ones may be considered.

**9.23 If security is a concern, consider using wire glass, tempered glass, laminated glass or clear security film.**

- These should be installed on the interior of the window or door whenever feasible.

**9.24 Tinted and color glazed windows are typically not appropriate within the Historic District.**

**9.28 Organize the massing of a multifamily structure to reflect the mass and scale of a traditional single family house.**

- For existing buildings, break up mass by adding changes in roofing, wall plane, setbacks and materials to convey single family modules.
- Consider using porches to define entries similar to single family structures.

A project should be designed at a human scale and provide visual interest along the street. These areas should develop as a pedestrian-oriented environment. Streets, sidewalks and pathways should encourage walking and bicycling within this area. On existing multifamily sites, this may be provided through redesign of connections to existing sidewalks and parking areas as well as redesign of landscape elements.

**9.29 Develop the ground floor level of all projects to be at a pedestrian scale.**

- Provide visual interest on all facades which will be seen from streets, alleys and pedestrian ways.
- As seen up close, buildings should express human scale, through materials and forms that are familiar building elements in Town.

**9.30 Materials should be applied in a manner similar to those seen traditionally.**

- Appropriate materials include wood, brick, stone and concrete.

**9.31 Site furniture should be simple in character.**

- Avoid any highly ornate design that would misrepresent the history of the area.
- Benches, bike racks (which are strongly encouraged) and trash receptacles are examples of site furnishings that may be considered.
- A bike rack may be located along a street front where space is available and a minimum clear walkway can be maintained.
- Design of private furnishings should be consistent with public site furniture.

**9.32 Street lights within a project should be compatible with the Town's streetscape design.**

- Designs which reflect the simple standards the Town has used in its public streetscape improvements are encouraged.
- Historic styles that are out of character with the history of Steilacoom are inappropriate because they could misrepresent the heritage of the community.

## **Commercial**

While the general standards provided in this chapter also apply, some special features of commercial properties should be considered. Traditionally commercial structures maintained orientation to the street with a limited or no setback from the property line. While there were some larger structures, many were smaller structures that blended easily with the residential character of the town.

**9.33 Site structures parallel to the street with little to no setback.**

- Where a sidewalk exists, commercial structures should provide a connection.

**9.34 Maintaining or using traditional storefront elements is preferred.**

- Use elements such as display windows, recessed entries, parapets, kickplates and transoms.

**Multifamily and Commercial**

The character and level of lighting is a special concern. It should be a subordinate element. Traditionally, exterior lights were simple in character. Most used incandescent lamps, which cast a color similar to that of daylight. These were relatively low in intensity and were shielded with simple shade devices. This overall effect should be continued.

**9.35 Exterior lights should be simple in character and similar in color and intensity to that used traditionally.**

- The design of a fixture should be simple in form and detail. Designs similar in character to those used traditionally are encouraged.
- Lights along alleys should be utilitarian in design.
- All exterior light sources should have a low level of luminescence. Lamps with a maximum equivalent of a 40 watt incandescent bulb (490 lumens) are preferred for site lighting. Lower intensities should be used in architectural fixtures such as step lights. Traditionally, exterior lighting was used to illuminate building entrances. On commercial properties, it also may have been used to highlight building details and signs. However, it was not used to illuminate an entire facade. In general, lighting should help identify entrances and improve safety.

Site lighting should encourage pedestrian activity and safety. While it may be necessary to light such features to enhance their function, it is also important that the overall effect be subdued so the night sky is still visible.

**9.36 Provide site lighting that encourages pedestrian activity at night.**

- Site lighting should be at a pedestrian scale and help define different functional areas of the property. Traditionally, the automobile was subordinate in Steilacoom's early history and downtown's character derives from a way of building in which the automobile was not a factor. The visual impacts of features associated with storage of automobiles, including driveways, garages and parking areas, therefore should be minimized.

**9.37 Where appropriate, design a parking area to be accessed from an alley rather than the street.**

- In a residential context, the use of a detached garage, located along the alley, is especially encouraged.
- If parking is located within a garage, minimize the width of the driveway and the structure should face away from primary facade street when possible.

**9.38 Screen a parking lot from view from the street.**

- Provide buffers between the edge of a parking lot and sidewalk.
- Use planted areas, decorative paving, fences, hedges and decorative walls.

**9.39 Locate parking such that it will be subordinate to other site features.**

- An on-site parking area should be located inside or behind a building, where its visual impacts will be minimized.
- Minimize the surface area of paving and consider using less impervious material.

## Middletown Planning Office

### MEMORANDUM

Date: 8/8/2013

Hansen# 13792

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN FIRE STATION SITE CONCEPT PLAN**

Tax Map Parcel #03-146545

Applicants: Tracey Diggs, Frederick County Dept. of Facilities & Project Services and Bob Barrick, Adtek Engineers

Property Owner: Middletown Volunteer Fire Department

Plan Dated: August 5, 2013

Date Received: August 5, 2013

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#### GENERAL INFORMATION

Proposal: Construction of a fire station

Location: Franklin Street adjacent to Middletown Primary School

Zoning: OS Open Space (9.27 acres) and R1 Residential (7.73 acres). The Open Space district permits schools, churches, community centers and other public buildings, and those accessory uses commonly associated with them. It also permits public safety services subject to site development plan approval.

Present Use: Vacant

#### COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **Use** – The proposed use is for a fire station. The hours of operation are listed in Site Plan Note #8 as being continuous. The parcel that the proposed fire station is to be located on is zoned OS Open Space. The Middletown Volunteer Fire Department will be deeding the parcel over to Frederick County. In looking at the Site Plan, it is difficult to distinguish the proposed property line from the existing property line. The plan should be revised to show more clearly the distinction between the two. It would also seem that a correction plat would need to be approved by the Planning Commission for the change in property lines. The limit of disturbance is shown as 2.81 acres. The plan should show the total amount of land proposed to be deeded over to the County.
2. **Prior use on subject parcel** – The prior use of this property is as the carnival grounds for the fire department.

3. **Lot requirements** – The building setbacks for the open space district are indicated in Note #7, although they are not shown on the plans. The plans should be amended to show the required and proposed setback lines.
4. **Site Plan requirements and review** – All requirements of Section 17.32.240 Site Plan requirements of the Town Code have been met, except that there should be provided an approval block for the Planning Commission with a space for date and signature by the chairperson, and the dimensions of the proposed building have not been provided as well. The Existing Conditions Plan (Sheet C-1A) shows the existing pavilion located west of the existing pond, although it is not shown on the Site Plan (Sheet C-3A). If the existing pavilion is to be demolished or moved, that should be indicated in the Site Plan notes. A demolition permit and approval by the Planning Commission will be needed if the pavilion is to be demolished. If the pavilion is to be moved to another location by the Middletown Volunteer Fire Department, then a revised site plan will need to be approved by the Planning Commission. Approval of site plans shall expire three years after the date on which the Planning Commission approves the site plan unless construction has begun.
5. **Parking requirements** – Under the off-street parking regulations in Section 17.32.060, there does not seem to be any type of use listed that would apply parking standards to a fire station. The parking tabulation listed at the bottom of the Site Plan (Sheet C-3A) indicates that 57 spaces are proposed. The numbers listed above that (71 standard spaces and 4 accessible spaces) do not add up to 57, and staff is not sure where those numbers were derived from. In counting the number of spaces shown on the plans, there seems to be three (3) handicapped accessible spaces provided and 56 standard spaces for a total of 59 spaces. The gross floor area of the proposed fire station has not been provided as a comparison to the number of parking spaces provided as well.
6. **Storage of inflammable fuels** – The site plan shows a fuel tank to be located behind the proposed building. Section 17.32.100 of the Municipal Code states that gasoline, fuel oil and other liquid fuels shall be stored underground or within the structure to be heated. There are also setbacks associated with storage tanks. More information should be provided about the proposed fuel tank in order to determine whether Code requirements are being met.
7. **Modifications to height limitations** – Section 17.32.180 states that public and semipublic buildings may exceed the height limits to a total height of seventy (70) feet providing all yards required in the particular district are increased one foot for each two feet in excess of the height limitation. The plans should list the proposed height of the building, and if greater than twenty-five (25) feet, the requirements of this section should be met.
8. **Landscape plan** – The proposed landscape plan includes a good but relatively minimal selection of native plants around the perimeter of the property and in the parking areas. Along the border with the residential lot to the north, five 9 to 10-foot tall arborvitae are proposed as a buffer between the two uses as well as a couple of deciduous trees. The plant schedule lists a quantity of 89 *Ilex crenata*, but only 62 are shown on the plans.
9. **Signage** – Signage has not been addressed yet, but should be at the Improvement Plan stage especially if a monument or freestanding-style sign is being proposed.

10. **Lighting** – A Lighting Plan has not been included with the plans, except that the existing lighting along Franklin Street is shown. Any new lighting of the property should be provided along with a photometric plan. It is important that lighting levels not exceed recommended levels at property lines.
11. **Water and Sewer requirements** – The Fire Department has had a discussion with the Town Board regarding water taps.
12. **Stormwater management approval by Frederick County** – A stormwater management plan will need to be approved by Frederick County. Site Plan Note #10 states that stormwater management is provided in accordance with MD ESD 2007 Design Criteria by utilizing micro-bioretenion and permeable pavement. The note should indicate that stormwater management be in compliance with the 2009 MD regulations.

This review will be included in the Middletown Planning Commission materials for the April 22, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 17, 2013.

cc: Middletown Volunteer Fire Department



UNNK

UNNK

FIREMEN'S WAY

FIREMEN'S WAY

403 FRANKLIN STREET

401 FRANKLIN STREET

401 FRANKLIN STREET

UNNK

UNNK

402 FRANKLIN STREET

UNNK

BUILDING A

BUILDING B

BUILDING D

BUILDING E

BUILDING F

BUILDING G

310 SOUTH CHURCH STREET

## Cindy Unangst

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**From:** Beals, Vernon A [Vernon.Beals@fcps.org]  
**Sent:** Wednesday, August 14, 2013 6:47 AM  
**To:** Cindy Unangst  
**Cc:** Fritz, Roger W; Wade, David C; Beals, Vernon A; King, Karen S  
**Subject:** RE: Middletown High storage container

Good morning Cindy,

I am the Project Manager assigned to this project, Vernon Beals.

Dave has asked me to provide some information related to the sea container FCPS has placed on site. I am referring to the container FCPS is storing relocated materials from the boiler room during the boiler replacement project.

The contractor will substantially complete the boiler project by September first. Unfortunately there have been delays with the offsite gas line installations which have impacted our timeline to empty out the sea container. Final testing, start up and commissioning cannot occur without the needed natural gas fuel source. (The boiler room is the contractor's designated work and storage location until final completion, Sept 15<sup>th</sup>).

The latest update from Mr. Spence of Wash gas is the first week of September, weather permitting. The contractor will need 2 weeks after that to perform startup up checklists, commissioning, staff training and final clean up.

The project is scheduled for final completion on September 15<sup>th</sup>. FCPS is requesting our container remain on site until October 18. The extended duration for the container at the site is an unintended consequence of the delayed gas line installations.

Feel free to call me if there are any questions. I apologize if the added duration for the container is creating added concern for your team.

Best regards,

Vernon Beals  
240-674-1043

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**From:** Wade, David C  
**Sent:** Tuesday, August 13, 2013 2:08 PM  
**To:** Beals, Vernon A  
**Cc:** Fritz, Roger W  
**Subject:** FW: Middletown High storage container

Vernon,

Please see below correspondence. Can you help me out? Get something from Wilfre and I'll add that we are the ones using the container and that we'll need a couple weeks after completion of boiler project to move everything out of the container. Thanks

*David C. Wade / Lead Mechanic  
Frederick County Public Schools  
Middletown Maintenance Cluster  
Middletown High School  
200 Schoolhouse Dr.  
Middletown, Md. 21769*

**Town of Middletown Planning Department**

To: Burgess & Commissioners  
From: Cindy Unangst, Staff Planner  
Date: 7/31/2013  
RE: Monthly Planning Update

**Major Subdivisions:**

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**Coblentz on Green** – SWM Concept Plan – approved by County October 15, 2010  
Water Tap agreement approved by Burgess & Commissioners – March 2012  
Planning Commission approved Forest Stand Delineation/Forest Conservation Plan – Jan 2013  
Master Plan Amendment approved - March 11, 2013  
Planning Commission conditionally approved preliminary plan – March 18, 2013  
**Improvement plans should be coming in by the end of August**

**Foxfield Section 4-** FRO plantings have all been installed. 15 homes still to be built.  
1<sup>st</sup> year FRO review – 67% compliance – 232 additional trees planted (May 2013)

**Minor Site Plans and Subdivisions:**

**AMVETS Expansion Plans** – Site Plan approved – October 15, 2012; (Plans expire 10/15/2015)

**Chesterbrook Apts/Middletown Valley Apts** - Site Plan approved – July 17, 2006  
Improvement Plans approved and signed – September 16, 2008  
SWM waiver received from County – May 12, 2011  
SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013.

**Coblentz Grove minor subdivision** – Preliminary/Final Plat conditionally approved – Nov. 15, 2010  
FSD & Forest Conservation Plan approved – November 15, 2010  
Improvement Plans conditionally approved – February 21, 2011  
Final Plat approved – July 18, 2011 (recorded – October 24, 2012)  
Building permits applied for – October 30, 2012

**Cone Branch Walking Trail** – Concept plans approved – March 19, 2012  
Improvement plans conditionally approved – January 21, 2013

**Fire Co Activities Center-** SWM Plan approved by Frederick County – November 3, 2011  
Improvement Plans conditionally approved – April 22, 2013  
Revised Site Plan conditionally approved – April 22, 2013 (Plans expire April 22, 2016)  
Building permit issued – May 24, 2013

**Fire Station** – Concept plan submitted to PC for comments – April 22, 2013  
**Site Plan submitted on Monday, August 5th**

**Hollow Creek** – Revised Site Plan approved and signed – October 14, 2010  
Revised Site Plan (leaderboard) approved – February 21, 2011; (Plans expire February 21, 2014)

- Hollow Creek Golf Course SWM Pond #1** Revision plans submitted to County 12/1/2010  
 Plans approved by County – December 22, 2010  
 Revised Plans submitted for PC review – December 30, 2010  
 Revised Plans submitted to SCD for review – January 5, 2011
- Horman Apartments-** Site Plan approved – April 21, 2008  
 Improvement Plans conditionally approved – May 17, 2010
- Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008  
 Forest Conservation Plan approved – October 20, 2008
- Middletown H.S. Stadium Concession Stand Expansion Plan** – approved June 18, 2012  
 (Plans expire June 18, 2015)
- Middletown H.S. C-container site plan** – conditionally approved February 18, 2013
- Miller (Ingalls)** – Concept and Phase I & II Plan submitted – September 20, 2010  
 Approved and signed – September 27, 2010
- More Ice Cream site plan** – conditionally approved – June 17, 2013  
**Change of Use permit approved – July 2, 2013**
- Newton Property (Cross Stone Commons)** – Concept Plan discussion – June 18, 2012  
 Concept Plan submitted – October 1, 2012  
 Traffic Impact Study submitted – October 18, 2012  
 BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)  
 Revised Concept Plan reviewed by PC – May 20, 2013  
**Addition Plat submitted – July 22, 2013**  
**Site Plan submitted – July 22, 2013**  
**FRO Plan submitted – July 22, 2013**
- Potomac Gun Depot** – plans conditionally approved – February 18, 2013  
 Revised site plan conditionally approved – June 17, 2013
- Putman** – Site Plan conditionally approved- November 17, 2008  
 Forest Conservation Plan approved – June 16, 2009  
 Improvement Plans approved and signed by all agencies – July 2010  
 Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)
- Right A Way Powder Coating site plan** – conditionally approved – June 17, 2013
- Rock Star, LLC (personal trainer) site plan** – conditionally approved – June 17, 2013  
**Change of Use permit approved – June 18, 2013**
- Subway property** – site plan reviewed for ice cream parlor during workshop discussion– May 15, 2013
- The Valley School** – BOA special exception use hearing – May 8, 2013 (Approved)  
**Forest Conservation Plan approved – June 17, 2013**  
**Demolition Plan approved – July 15, 2013**  
**Site Plan and Improvement Plans reviewed by Planning Commission – July 15, 2013**

**Thompson Funeral Home Revised Parking Lot Site Plan – conditionally approved April 22, 2013**

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009  
 Public hearing date - Monday, October 11, 2010  
 Annexation petition denied – October 11, 2010

**County Park –** Annexation agreement approved by BOCC – May 30, 2013  
 Annexation agreement approved by Town Board – June 10, 2013

**Reports:**

**Meetings:**

**Town of Middletown Zoning Department**

To: Burgess & Commissioners

From: Cindy Unangst, Zoning Administrator

Date: 7/31/2013

RE: Monthly Zoning Update

**P & Z Issues:**

Zoning Code review - ongoing

**BOA Hearings:**

**Zoning Violations:** none

July 2013 Zoning Permits	Address	Permit #	M-town Received	C Unangst Approved	County Approval
More Ice Cream – change of use	13 W. Main St.	110608	5/28/2013	7/2/2013	yes
Guoping – solar panels	9 Woodmere Cir.	110866	7/9/2013	7/9/2013	yes
AT&T – add antennas	Schoolhouse Dr.	110747	7/3/2013	7/10/2013	yes
Holter – roof on patio	2 Everhart Ln.	110977	6/11/2013	7/12/2013	yes
Admar Homes – sfd	9 Hoffman Dr.	110769	6/27/2013	7/17/2013	yes
Prescott – hot tub	12 Larch Ln.	111078	7/16/2013	7/17/2013	yes
Dodson – finish basement	2 Rhoderick Cir.	111335	7/25/2013	7/25/2013	yes
Tabor – stair repairs	205 S. Church St.	111373	7/26/2013	7/29/2013	yes
Rentzeperis – stoop cover	203 Broad St.	Town	7/11/2013	7/12/2013	n/a
Simmel – fence	11 Linden Blvd.	Town	7/15/2013	7/17/2013	n/a