



SPECIAL AGENDA FOR THE TOWN WORKSHOP

January 2, 2014

7:00 p.m.

7:00PM Community Deputy Monthly Report

7:05PM **Public Hearing – Ordinance 14-01-01 Revisions to the Forest Conservation Act**

AN ORDINANCE TO AMEND TITLE 16, CHAPTER 16.40, OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO FOREST CONSERVATION; TO ADD DEFINITIONS FOR THE TERMS "PRIORITY FUNDING AREA" AND "STREAM RESTORATION PROJECT"; TO ADD EXEMPTIONS FROM THE FOREST CONSERVATION REQUIREMENTS; TO AMEND THE TOWN'S FOREST CONSERVATION ORDINANCE IN ACCORDANCE WITH THE STATE OF MARYLAND FOREST PRESERVATION ACT OF 2013.

7:15PM Annual Meeting with MVAA

Regular Workshop Items

MEMORANDUM

Date: 12/17/2013

To: Burgess and Commissioners, Middletown

From: Cynthia K. Unangst, Middletown Staff Planner 

RE: Forest Conservation text amendment

The Middletown Planning Commission on December 16, 2013 voted to recommend approval of a text amendment to update the Town's Forest Conservation Ordinance to bring it in line with new state regulations. The new state regulations add definitions for "Priority Funding Area" and "Stream Restoration Project", and adds the following project types to the current list of projects that are exempt from the provisions of the Forest Resource Ordinance: stream restoration projects that meet certain criteria; maintenance or retrofitting of stormwater management structures with certain stipulations; and redevelopment of previously developed areas covered by impervious surface where located within a Priority Funding Area. The Planning Commission vote was 4-0-1 with Commissioner Goodman abstaining. Attached is a copy of the draft language for the proposed text amendment.

The Town Board has scheduled a Public Hearing for Thursday, January 2, 2014.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 16, CHAPTER 16.40, OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO FOREST CONSERVATION; TO ADD DEFINITIONS FOR THE TERMS "PRIORITY FUNDING AREA" AND "STREAM RESTORATION PROJECT"; TO ADD EXEMPTIONS FROM THE FOREST CONSERVATION REQUIREMENTS; TO AMEND THE TOWN'S FOREST CONSERVATION ORDINANCE IN ACCORDANCE WITH THE STATE OF MARYLAND FOREST PRESERVATION ACT OF 2013.

SECTION I. BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapter 16.40, Section 16.40.011 "Definitions" of the Middletown Municipal Code be, and hereby is, amended by adding definitions for "Priority Funding Area" and "Stream Restoration Project". Each definition shall be codified by inserting the definition alphabetically in section 16.40.011. New language is designated by being in **BOLD CAPITAL LETTERS**:

Title 16 Subdivisions

Chapter 16.40 Forest Conservation

16.40.011 Definitions

"PRIORITY FUNDING AREA" MEANS AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER §5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, ANNOTATED CODE OF MARYLAND.

"STREAM RESTORATION PROJECT" MEANS AN ACTIVITY THAT:

- (1) IS DESIGNED TO STABILIZE STREAM BANKS OR ENHANCE STREAM FUNCTION OR HABITAT LOCATED WITHIN AN EXISTING STREAM, WATERWAY, OR FLOODPLAIN;**

(2) AVOIDS AND MINIMIZES IMPACTS TO FORESTS AND PROVIDES FOR REPLANTING ON-SITE AN EQUIVALENT NUMBER OF TREES TO THE NUMBER REMOVED BY THE PROJECT;

(3) MAY BE PERFORMED UNDER A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, A WATERSHED IMPLEMENTATION PLAN GROWTH OFFSET, OR ANOTHER PLAN ADMINISTERED BY THE STATE OR LOCAL GOVERNMENT TO ACHIEVE OR MAINTAIN WATER QUALITY STANDARDS; AND

(4) IS NOT PERFORMED TO SATISFY STORMWATER MANAGEMENT, WETLANDS MITIGATION, OR ANY OTHER REGULATORY REQUIREMENT ASSOCIATED WITH PROPOSED DEVELOPMENT ACTIVITY.

SECTION II. BE IT RESOLVED, ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapter 16.40, Section 16.40.013 “Exemptions” of the Middletown Municipal Code be, and hereby is, amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**:

16.40.013 Exemptions.

This chapter does not apply to:

(A) – (L) {Unchanged}

(M) ANY STREAM RESTORATION PROJECT FOR WHICH THE APPLICANT FOR A GRADING OR SEDIMENT CONTROL PERMIT HAS

EXECUTED A BINDING MAINTENANCE AGREEMENT OF AT LEAST 5 YEARS WITH THE AFFECTED PROPERTY OWNER.

(N) MAINTENANCE OR RETROFITTING OF A STORMWATER MANAGEMENT STRUCTURE THAT MAY INCLUDE CLEARING OF VEGETATION OR REMOVAL AND TRIMMING OF TREES, SO LONG AS THE MAINTENANCE OR RETROFITTING IS WITHIN THE ORIGINAL LIMITS OF DISTURBANCE FOR CONSTRUCTION OF THE EXISTING STRUCTURE, OR WITHIN ANY MAINTENANCE EASEMENT FOR ACCESS TO THE STRUCTURE.

(O) PREVIOUSLY DEVELOPED AREAS COVERED BY AN IMPERVIOUS SURFACE AND LOCATED IN A PRIORITY FUNDING AREA AS DEFINED IN SECTION 16.40.011 AT THE TIME OF THE APPLICATION FOR SUBDIVISION PLAN, GRADING, OR SEDIMENT CONTROL PERMIT APPROVAL.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 201__

PASSED ON THE _____ DAY OF _____, 201__

EFFECTIVE DATE: _____, 201__

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John Miller, Burgess



NOTICE OF PUBLIC HEARING TOWN OF MIDDLETOWN

Notice is hereby given that the Middletown Town Board will hold a Public Hearing on **Thursday, January 2, 2014, beginning at the hour of 7:00 P.M., at the Middletown Municipal Center, 31 West Main Street, Middletown, MD** to consider an ordinance to amend Chapter 16.40 of the Middletown Municipal Code pertaining to Forest Conservation to comply with the State of Maryland Forest Preservation Act of 2013; to add definitions for "Priority Funding Area" and "Stream Restoration Project"; and to add exemptions from the forest conservation requirements.

Copies of the proposed text amendment are available at the Middletown Municipal Center for any citizens wishing to receive a copy of the proposed text amendment for review.

All citizens wishing to be heard will be recognized at this hearing. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Individuals requiring special accommodations are requested to contact Andrew Bowen, Town of Middletown, at (301) 371-6171, at least 48 hours prior to the Public Hearing.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

December 13, 2013

Cindy Unangst
Town of Middletown
31 West Main St
Middletown, MD 21769

- BURGESS
- COMMISSIONERS
- ADMINISTRATOR
- PLANNING & ZONING

RECEIVED

DEC 23 2013

TOWN OF MIDDLETOWN, MD.

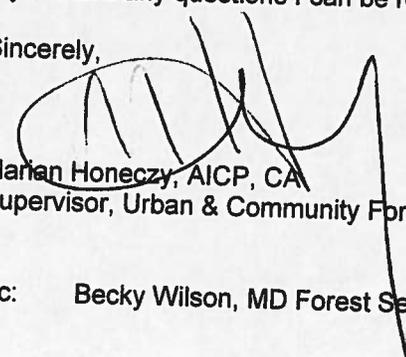
RE: Ordinance.Forest Conservation Amendments 2013. docx

Dear Ms Unangst:

Thank you for submitting the Town of Middletown's amendments to Chapter 16.40 Forest Conservation. I have reviewed the proposed amendments and have found them mirror the language in the state's regulations, specifically the Model Ordinance. The proposed amendment has been found to meet the intent of the Maryland Forest Conservation Act.

If you have any questions I can be reached at (410) 260-8511 or via email at mhoneczy@dnr.state.md.us.

Sincerely,



Marian Honeczy, AICP, CA
Supervisor, Urban & Community Forestry Program

Cc: Becky Wilson, MD Forest Service