

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, November 17, 2014
7:00 p.m.

- I. **Public Comment**
- II. Minutes of October 2014 Planning Commission meeting **Approval**
- III. **Plan Review**
 - 329 S. Jefferson Demolition Plan **Discussion/Approval**
 - Coblentz Property Final Plats **Discussion/Approval**
 - Cross Stone Commons development** **Information**
- IV. **Zoning**
 - Zoning Code Update review – Section 17.04 Definitions (Workshop only)
 - Gun retail business regulations** **Discussion**
 - Violations**
- V. **Miscellaneous**
- VI. **Additional Public Comment**

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm 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, and an electronic plan is required as well.**

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

October 20, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, October 20, 2014 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and David Lake. Others present in official capacity: Commissioners Rich Gallagher (Alternate), Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works), Ron Forrester (Zoning Administrator), John Miller (Burgess), Tony Ventre (Town Commissioner), Larry Bussard (Town Commissioner), Rick Dietrick (Town Commissioner), Andrew Bowen (Town Administrator) and Annette Alberghini (Recording Secretary). Others present: Bruce Dean (Linowes & Blocher), Victor White (Hogan Companies), Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), Annette Clayton (town resident) and Mark Clayton (town resident).

I. PUBLIC COMMENT – Annette Clayton of 13 Walnut Pond Court stated her husband and she attended this meeting because their property is behind Chesterbrook, they are curious what the plans are, and have concerns about how this will affect their property value and also about how the additional town homes will affect current drainage issues for that area.

II. Regular Meeting Minutes of September 15, 2014 – Approved as submitted

III. PLAN Review

Chesterbrook Phase 2 Site Plan – (Noel Manalo was present as the representative for Miles & Stockbridge. Andrew Brown was present as the representative for J.F. Brown II & Associates. Tom Poss was present as the representative for Verdant Development Group (the applicant).) The Phase 2 Site Plan was submitted September 10, 2014. The applicant came before the Planning Commission to get its opinion on the variances the applicant will be requesting from the Board of Appeals. Mr. Manalo and Mr. Brown provided a presentation which showed what Phase 2 would entail. They propose using the road access, stormwater systems and sewer outfall already in place from the Phase 1 construction that occurred in the 1960's. They identified a new drainage pond and system that would utilize 3 drain pipes for runoff instead of the 1 pipe currently in use.

- **Building Height**– According to the Middletown Zoning Ordinance 17.60.050, no building will exceed two and one-half stories or thirty-five feet in height. The applicant intends to request a variance to allow for a height of three stories. This will allow the applicant to utilize a garage/townhouse model (garage on the bottom with 2 story town home on top) that reduces the amount of impervious surface. The small lot size and new stormwater management regulations require reducing impervious surface area of the project. The Planning Commission stated that when requesting the variance the applicant should ask for a specific number relating to height instead of stories.
- **Open Space** – According to Middletown Zoning Ordinance 17.16.075 at least 0.05 acres per dwelling unit shall be devoted to use as an active recreational area for the combined area being developed. Phase 2 would require one acre of active recreational open space. The applicant will request a variance to waive this requirement as consideration should be given to existing open space and recreation areas currently existing at Chesterbrook. Also, there are multiple parks in proximity to Chesterbrook which include Middletown Memorial Park, Remsberg Park and Wiles Branch Park.

- **Density** – According to Middletown Zoning Ordinance 17.16.080, overall density shall not exceed one dwelling unit per six thousand (6000) square feet, or 7.26 units per acre of the net development area. The applicant will request a variance for an overall density not to exceed one dwelling unit per three thousand seven hundred eighty four (3784) square feet or 11.49 units per acre of the net development area.

Action: Commissioner Smart motioned to recommend the applicant proceed to the Board of Appeals for review and request for variances. Seconded by Commissioner Miller. Motioned carried (5-0).

Schoonover Addition Plat – (Drew Bowen Town Administrator was present for the applicant) Commissioner Lake recused himself from this item as the Schoonover family is a relative. Commissioner Gallagher then became an active voting member on this item in his place.

The proposal is to combine Parcel A (2,295 sq. ft.) from the remaining lands of Carey and Theresa Schoonover’s Parcel 2 (5,794.4 sq. ft) with Parcel 2 owned by the Burgess & Commissioners of Middletown to create a net square footage of that lot of 7,910.1 square feet. It is located at the west side of Lombardy Drive and north of Linden Boulevard. By combining these 2 parcels the Town could then complete the walking trail from the Middletown Primary School to East Main Street.

- **Minor Revisions** – The Staff Planner noted the following revisions must be made: Although General Note #2 indicates the correct minimum building restriction lines, the rear building restriction line shown on the plat shows a curved line instead of straight lines mimicking the new rear lot line. The distance from coordinate Point 100 to coordinate Point 503 should read 41.47 instead of 60.72. Also the Purchase information in the box towards the bottom left of the plat should be corrected to include an “s” at the end of Commissioner and the phone number should be corrected to 301-371-6171.

Action: Commissioner Miller motioned to approve the Schoonover Addition Plat with the corrections as stated. Seconded by Commissioner Smart. Motion carried (4-0-1) Commissioner Goodman abstained.

Cross Stone Commons Revised Site Plan – (Bruce Dean was present as representative for Linowes & Blocher. Victor White was present as representative for Hogan Companies.) Commissioner Smart recused himself from this item as his employer is a tenant. Commissioner Gallagher then became an active voting member on this item in his place.

The Cross Stone Commons Revised Site Plan was conditionally approved by the Planning Commission November 18, 2013; conditional upon formal approval of the SWM plan by Frederick County and official acceptance by SHA of the right-turn-in-only turn lane off Alt. US 40. The site plan was signed July 21, 2014 after those conditions of approval were met. During the latest State Highway Administration (SHA) review with the developer, SHA requested that the developer revise the designs along Alt. US 40 to be compatible with the streetscape improvements currently under design. Because these revisions will likely impact project schedule and delay the start of construction, the applicant is requesting to resubmit the revised site plan as a two-phased site plan. “Phase 2” will encompass the proposed improvements along Alt. US 40. All other work on this project, including Middletown Parkway improvements, will become “Phase 1”. This will allow the applicant/developer to proceed with Phase 1 on the current time schedule.

- **Phase 1** – The applicant reiterated that by having a two-phase site plan, construction on the building that would house the CVS would be completed prior to the end of the current lease CVS has in its current location in the Safeway Shopping Center. They also stated that if construction is delayed, then the project would be in jeopardy. The applicant stated that as construction occurred with Phase 1, temporary asphalt curbing and landscaping would be placed at the end near Alt. US 40 to prohibit individuals from turning in to the development directly from Alt. US 40.
 1. **Middletown Parkway Improvements** – The applicant stated that any additional improvements to Middletown Parkway suggested by the Burgess & Commissioners or by the Planning Commission other than what has already been

agreed upon previously is unacceptable. These improvements would be sufficient to meet the Town needs, but would be cost ineffective and prohibitive to the developer. Commission Chair Carney stated that if any changes are made to the current level of improvements, then it affects the Improvement Plan; which would then have to be modified and resubmitted.

- **Phase 2** – The applicant stated that Phase 2 encompasses the design changes to Alt. US 40 (for the Right-Turn-In lane) needed to become compliant with SHA streetscape design for Alt. US 40. The applicant is working through the design phase with SHA and intends to break ground on Phase 2 once the new designs are approved. The applicant will not wait for physical construction on SHA streetscape to commence (2016). The question was raised as to whether a deadline was needed from the installation of the temporary curb and gutter to the completion of the right-in-only lane. Discussion included the length of time for the deadline and what would then happen to the temporary curb and gutter and landscaping in that area of the development.

Action: Commissioner Lake motioned to conditionally accept the Cross Stone Commons two-phased Site Plan conditional upon temporary asphalt curbing in the Phase 2 area of the site, temporary landscaping in the Phase 2 area of the site, and a deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance of Alternate 40A; if the right-in-only entrance is not in place by that time the temporary curbing and landscaping will need to be replaced with permanent curbing and landscaping, and the applicant will be required to come back for improvement plan modifications. Commissioner Miller seconded. Motion carried (4-1, Commissioner Gallagher voting against).

Cross Stone Commons Improvement Plans – Phase 1 - (Bruce Dean was present as representative for Linowes & Blocher. Victor White was present as representative for Hogan Companies.) Commissioner Smart again recused himself from this item as his employer is a tenant. Commissioner Gallagher continued as the active voting member on this item in his place.

With site development becoming a two-phased approach, Staff recommends that the Planning Commission approve the Cross Stone Commons Improvement Plans for Phase 1 with the following conditions: 1.) The applicant shall address all agency comments as the project moves forward to final signature set submission. 2.) The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission. 3.) The applicant shall require a review and approval of the Planning Commission for Phase 2. 4.) Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals. 5.) The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval. 6.) The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval. It was suggested that any motion also include the conditions set forth in the motion for the Cross Stone Commons Site Plan approval

Action: Commissioner Lake motioned to conditionally approve the Cross Stone Commons Improvement Plans for Phase 1, conditional upon 1.) The applicant shall address all agency comments as the project moves forward to final signature set submission. 2.) The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission. 3.) The applicant shall require a review and approval of the Planning Commission for Phase 2. 4.) Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals. 5.) The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval. 6.) The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval. 7.) Temporary asphalt curbing in the Phase 2 area of the site. 8.) Temporary landscaping in the Phase 2 area of the site. 9.) A deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance of Alternate 40A; if the right-in-only entrance is not in place by that time the temporary curbing and landscaping will need to be replaced

with permanent curbing and landscaping, and the applicant will be required to come back for improvement plan modifications. Seconded by Commissioner Miller. Motioned carried (5-0).

IV. ZONING

Zoning Code Update Review – Section 17.04 Definitions – It was decided that the definitions will be reviewed in November.

Zoning Code Update – Town Board Timeline Proposal – The proposed timeline for the Town Board zoning code update was reviewed and agreed upon.

Violations –

- **Residential Parking on Grass** – The Zoning Administrator has sent letters to several residents regarding illegally parking their vehicles, or recreational vehicles where they are not supposed to, or without proper screening. Residents have complied once notified.

V. MISCELLANEOUS –

Planning Commission Rules of Procedures Amendment – The Planning Commission discussed the recommended changes suggested by the Staff Planner. This included changing any reference to State Ethics ordinances to Town Ethics ordinances.

Action: Commissioner Smart motioned to accept the recommended changes as presented. Commissioner Miller seconded. Motion carried (5-0).

VI. ADDITIONAL PUBLIC COMMENTS – Commissioner Lake stated that he wanted it clear regarding the approval for the Cross Stone Commons Improvement Plan that the applicant would have to come back after 3 years to get approval, and if there were any Improvement Plan changes needed, then they would have to go back to the Public Works Agreement and have it modified.

Meeting adjourned at 8:25pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 11/10/2014

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: DELAUTER PROPERTY DEMOLITION SITE PLAN

Tax Map Parcel #03-0142558

Applicant: Matt and Heather Delauter

Property Owner: Matt and Heather Delauter

Plan Dated: October 13, 2014

Date Received: October 13, 2014

GENERAL INFORMATION

Proposal: Remove an existing house (approx. 30' x 18') and two sheds (10' x 8', 9' x 9') on the property

Location: 329 South Jefferson Street

Zoning: R-2 Residential

Present Use: uninhabited dwelling and storage sheds

COMMENTS

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

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.
2. It is staff's understanding from the applicant that the dwelling on the property is termite ridden and the foundation of the building is not sound.
3. A permit will need to be received from the County for the demolition to occur. Application to the County can take place concurrent with the site plan approval process by the Planning Commission.
4. An aerial photograph of the buildings to be demolished as well as a boundary survey showing the buildings have been attached to this memo along with numerous photos.

5. It is staff's understanding that letters were sent to the adjacent property owners informing them of the proposed demolition. The property has also been posted.

This review will be included in the Middletown Planning Commission materials for the November 17, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be November 12, 2014.

cc: Matt and Heather Delauter

Demolition Site Plan:

RECEIVED

OCT 13 2014

TOWN OF MIDDLETOWN, MD

329 South Jefferson Street Middletown MD 21769

1. Attached

2. Attached

3. Attached

4. Proposed demolition date should be within 90 days of approval and an issuance of an approved building permit, the demolition will occur between the hours of 7AM-5PM Monday through Friday, the demolition is anticipated to take no longer than two business days, the demolition will occur via heavy equipment and disposed of the same day demolition occurs.

5. Wastler and Son Excavating will perform the demolition. Specializing in excavation with demolition experience.

6. No explosives to be used.

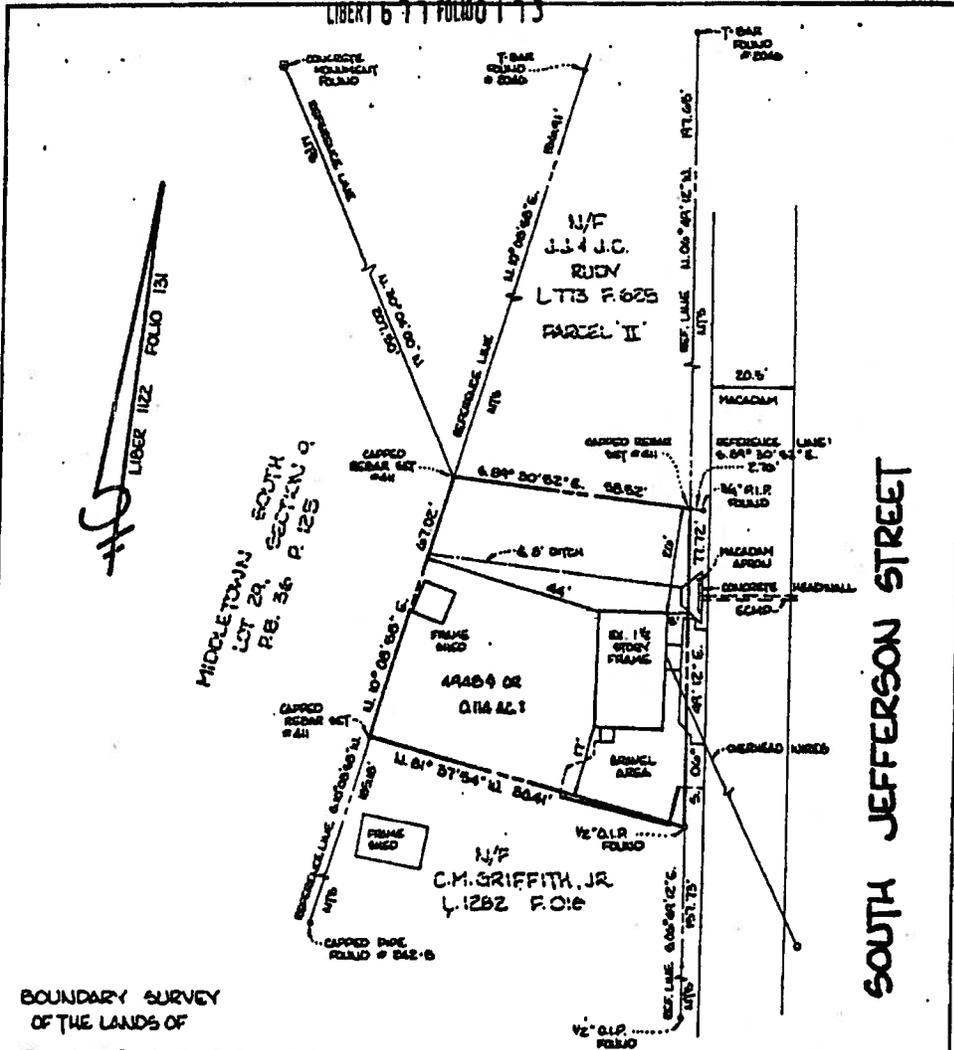
7. Wastler and Sons Excavating will take every safety precaution necessary to ensure personal safety as well as surrounding properties as they are a professional company performing excavation/demolition locally for many years. They are also licensed and insured.

8. Miss Utility has marked all utilities on site. We plan to have all utilities professionally disconnected prior to any demolition by the appropriate contractor.

9. Proposal attached from Specialized Engineering to perform tests to evaluate if any lead, asbestos or any other hazardous material is present and how to dispose of properly if so.

10. A.Wastler and Son Excavating will perform the excavation of the foundation for the new proposed construction and all grading/seedling/sodding will be completed accordingly.

FREDERICK COUNTY CIRCUIT COURT (Land Records) CCK 1677, p. 0173, MSA_CE61_1521 Date available 09/19/2005. Printed 08/15/2014.



D.A. GASCOYNE
LIBER 1581 FOLIO 031
 SITUATED AT # 329 SOUTH JEFFERSON STREET
 MIDDLETOWN ELECTION DISTRICT NO. 3
 FREDERICK COUNTY, MARYLAND



C. F. Thomas
 CARL F. THOMAS
 PROPERTY LINE SURVEYOR
 NO. REG. NO. 411

SCALE: 1" = 30'
 REFERENCE: L. 1581 F. 031
 DRAWN BY: N. MOORE
 CHECKED BY: C. THOMAS

Thomas, Moore & Associates, Inc.
 LAND SURVEYORS - CONSULTANTS
 1306 WEST PATRICK STREET
 FREDERICK, MARYLAND 21701
 (301) 888-9788

JOB NO. 0640
 HSE. LOC. _____
 WALL CHECK _____
 BOUNDARY SURVEY 9-23-40

I HEREBY DECLARE THAT THE BOUNDARY SURVEY SHOWN HEREON IS CORRECT; THAT IT IS ALL OF THE LANDS CONVEYED BY DONALD A. GASCOYNE AND HOLLY V. GASCOYNE UNTO DONALD A. GASCOYNE BY DEED DATED AUGUST 7, 1989 AND RECORDED IN LIBER 1581 FOLIO 031 OF THE FREDERICK COUNTY LAND RECORDS.

TITLE REPORT NOT FURNISHED TAX MAP # 500 PARCEL # 896

RECEIVED
 OCT 13 2014
 TOWN OF MIDDLETOWN, MD

From: Heather Delauter
Sent: Thu, Aug 21, 2014 at 10:51 pm
To: Heather Hargett Delauter

photo.JPG (204.7 KB)

sent from my iPhone

Russell Hanson
3306 Countryside Court
Middletown MD
400 feet +

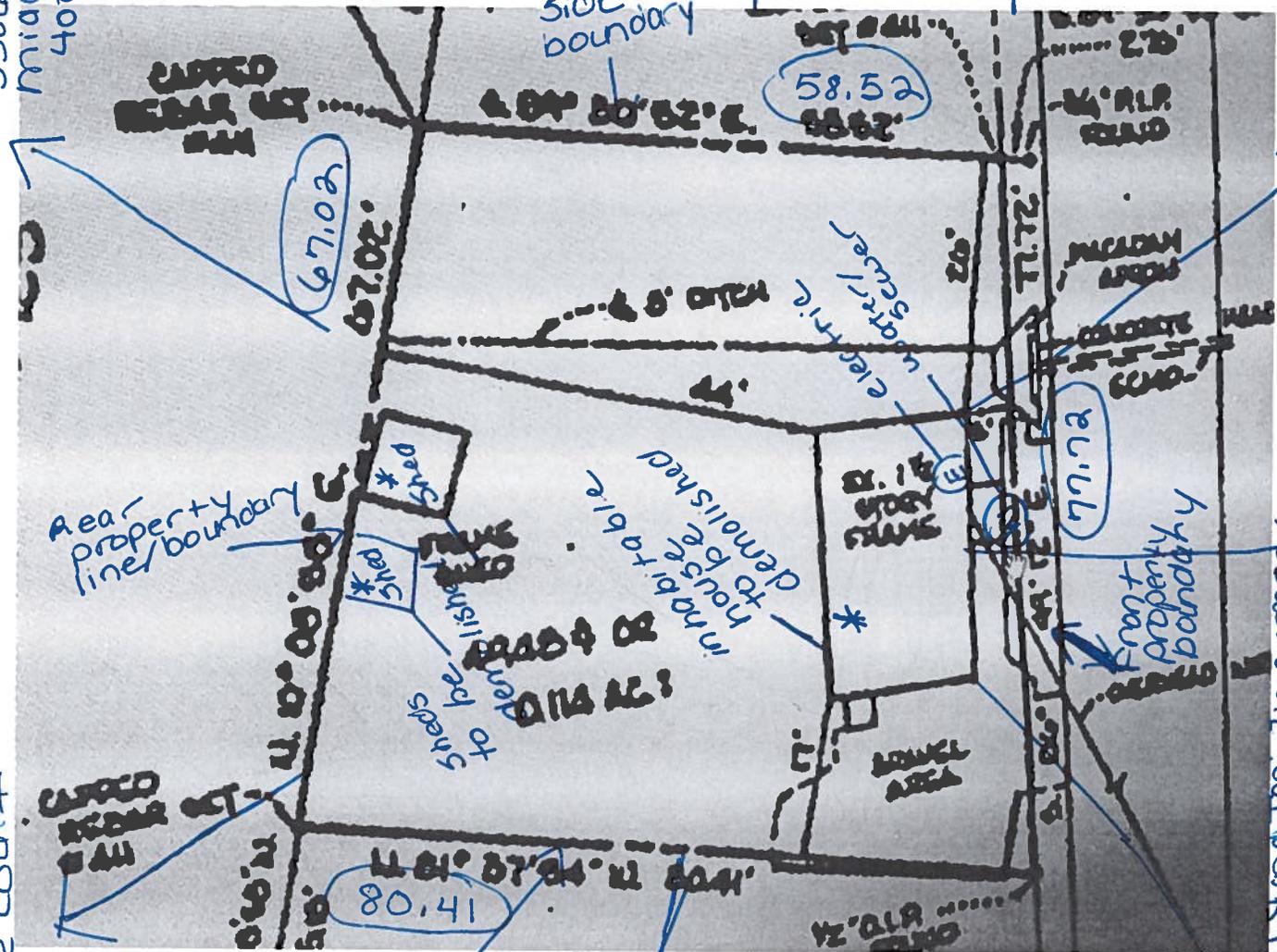
Jeff and Sarah Cosgrove
3308 Countryside Court
400 feet +

Charles Griffith
331 S. Jefferson Street
Middletown, MD
105 FEET

Larry and Madelyn Ransborg
336 S. Jefferson Street
92 feet

Lyn Wyne
338 S. Jefferson Street
92 feet

Betty and Toni Zimmerman
340 S. Jefferson Street
172 feet





Frederick County, MD At a Glance



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While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.



325 SOUTH CHURCH STREET

327 SOUTH CHURCH STREET

334 SOUTH JEFFERSON STREET

336 SOUTH JEFFERSON STREET

338 SOUTH JEFFERSON STREET

340 SOUTH JEFFERSON STREET

329A SOUTH CHURCH STREET

327 SOUTH JEFFERSON STREET

329 SOUTH JEFFERSON STREET

331 SOUTH JEFFERSON STREET

328 SOUTH JEFFERSON STREET



Wastler & Son, Inc.

Excavating & Custom Farming

Proposal No: 044-2013

August 25, 2014

Submitted To: Matt & Heather Delauter	Phone No: 240-344-2612
Attn: Matt & Heather	Fax No:
Street Address: 9044 Hollow Road	Job Name: House Demo.
City, State, Zip: Middletown, MD 21769	Plans By: None Provided

The following is our proposal to provide labor, equipment and materials to perform specified site work as follows:

Project: House Demolition at 329 South Jefferson Street, Middletown, MD 21769

Scope of Work: Demolition of House & Sheds as Follows:

Item #1: House & Shed Demolition	\$6,640.00
a) Demolition of House Approximately 30'x18'	
b) Demolition of 2 Sheds 10'x8' -9'x9'	
c) Pick Out & Stockpile On Site All Old House Beams	
d) Haul All Demolition Material to Frederick Co. Landfill	
e) Remove All Shrubs-R/R Ties On Property	
f) All Landfill Fees Included in Price	
g) All Salvageable Rights Go to Wastler & Son, Inc. Except for Wood Beams	
Item #2: Remove 1 Double Tree Next to House	\$1,500.00
a) Take Down Tree Haul Off Site	

Note for Item #2: This Price Only Includes The 1 Double Tree, It Doesn't Include Any Other Trees

Total Job Cost: \$8,140.00

EXCLUSIONS: Permits, Fees, Any Asbestos-Lead Paint Abatement, Any Hazardous Material Removal That Frederick County Landfill Doesn't Take, Any Lot Grading, Seed & Mulching, Large Tree Removal Except What Was In Proposal, Any Utility Disconnects of Any Kind, Any Sediment Erosion Control, Not Responsible for Any Underground Utilities Not Marked By Miss Utility, Anything Not Specifically Included is Excluded

SPECIALIZED ENGINEERING

Engineers • Geologists • Inspectors

Principals

David I. Wiegand, P.G.
Charles R. Mitchell, P.E.
David S. Schultz, P.E.
Al Nouri, Ph.D., P.E.
John D. Woodburn, P.E.
Gerald S. Ross, Jr.
Ira L. Helms, P.G., P.E.

September 10, 2014

Heather Delauter
9044 Hollow Road
Middletown MD 21769

Reference: Proposal to Provide a Pre-Demolition Hazardous Materials Survey
329 S. Jefferson Street
Middletown, MD
Specialized Engineering Proposal No. B14-10798

Dear Ms. Delauter:

Thank you for giving Specialized Engineering the opportunity to propose our engineering services for the above referenced project. We are submitting this proposal to conduct a Pre-Demolition Hazardous Materials Survey on a unit rate basis in accordance with the enclosed Schedule of Fees, Fee Estimate, and Standard Terms and Conditions. Presented below is a review of our understanding of the project, along with our proposed scope of services and fee information.

PROJECT UNDERSTANDING

Specialized Engineering understands this project includes the demolition of a small residential dwelling. The building is currently unoccupied.

SCOPE OF SERVICES

Based on your request and our understanding of this project, Specialized Engineering proposes to provide technical personnel to perform the required pre-demolition hazardous materials survey in accordance with the enclosed standard terms and conditions.

Asbestos and Lead Survey: With the existing structure planned for demolition, Specialized Engineering will inspect the existing, accessible building materials for presence of Lead-Based Paint (LBP) and Asbestos Containing Material (ACM). It is possible some selective demolition might be required of Specialized Engineering in order to gain access to pipe chassis in order to inspect the possible presence of ACM. If selective demolition is done, no restoration or repair work will be performed by Specialized Engineering nor is it included in this proposal.

Included in our scope of services are sampling and testing of suspected ACMs and LBP which will be performed in accordance with the Environmental Protection Agency (EPA) regulations and state regulations in which services will commence.

Asbestos samples will be sent to an AIHA-NVLAP (National Voluntary Laboratory Accreditation Program) laboratory for testing and analysis using the Polarized Light Microscopy (PLM) and Transmission Electron Microscopy (TEM) methods. The PLM method detects large asbestos fibers using an optical microscope technique that can possibly distinguish between different types of asbestos fibers. The TEM method detects smaller asbestos fibers that cannot be discovered using PLM. This method will use an electron beam that penetrates through the sample and can distinguish between different densities of material fibers. In doing so, small asbestos fibers are identified. TEM is primarily used on roofing materials. It should also be noted that TEM is primarily be used for vinyl floor tiles if the PLM method cannot detect any asbestos fibers. Samples of material are tested in layers. Occasionally there is more than one layer per suspected sample; thus one sample may have multiple results based on the analysis performed.

Lead samples will be tested and analyzed using a portable XFR instrument in accordance with EPA and U.S. Department of Housing and Urban Development (HUD) guidelines.

Should any of the above information or assumptions made by Specialized Engineering be inconsistent with the planned construction, we request that you contact us as soon as possible to allow us to make any necessary modifications to this proposal.

ENGINEERING SERVICES / REPORT / PROJECT MANAGEMENT

Specialized Engineering's scope of services will be conducted under the direction of a Professional Geologist and/or Professional Engineer who are/is licensed in the state where services will commence.

Following the completion of the above referenced scope of services, Specialized Engineering will prepare a formal written report containing detailed findings and recommendations. Reports and test results.

In addition, our project manager and/or professional engineer will coordinate field staff. When requested by your authorized representative, the project manager and/or professional engineer assigned to your project will attend project meetings.

SMALL BUSINESS ENTERPRISE (SBE) DESIGNATION

Specialized Engineering is a certified small business enterprise (SBE) under federal guidelines. Verification can be done via <https://orca.bpn.gov> and entering in the following DUNS #: 090812744. Specialized Engineering is also a certified SBE with the Maryland Department of General Services Small Business Reserve (SBR) Program and with the Virginia Department of

Minority Business Enterprise (DMBE) Small, Women and Minority Program. Additional information can be provided upon request.

COMPENSATION

The estimated fee for performance of the outlined scope of services is **\$1,690.00**. The estimated fee does not include pricing for TEM testing and analysis. Should TEM services be required, services will be billed per the enclosed unit rate. The estimated fee has been provided for budgetary information only and was derived from the evaluation of the project information provided, past project experiences, and the use of most efficient quality control construction methods. Actual billing on the project will be processed on a unit rate basis in accordance with the enclosed schedule of fees.

AUTHORIZATION

If this proposal is acceptable to you, please sign the terms and conditions as notice-to-proceed and return one signed copy of this proposal intact to our corporate office. Specialized Engineering will proceed with the work in accordance with the terms and conditions that are incorporated into and made part of this proposal once the signed copy has been received.

CLOSURE

We appreciate the opportunity to offer our services and look forward to working with you. Should you have any questions or need clarification, please feel free to contact us at your convenience at (410) 768-4800.

Sincerely,

SPECIALIZED ENGINEERING



Ira L. Helms, P.G., P.E.
Principal

Enclosures: Schedule of Services
 Estimated Fee
 Fee Notes
 Terms and Conditions

October 24, 2014

Dear Neighbors,

We have applied to the town of Middletown Planning Commission for for a demolition permit for the current inhabitable home located at 329 S. Jefferson Street. We intend to to demolish the current home and apply for a variance and building permit to construct a small cape cod style home on the property. After review of the the current structure, it has been deemed structurally unsound and can not be restored.

All interested persons are encouraged to attend the Planning Commission hearing on Monday, November 17th at 7pm in the Middletown Municipal Center, 31 W. Main St., Middletown, MD.

Sincerely,

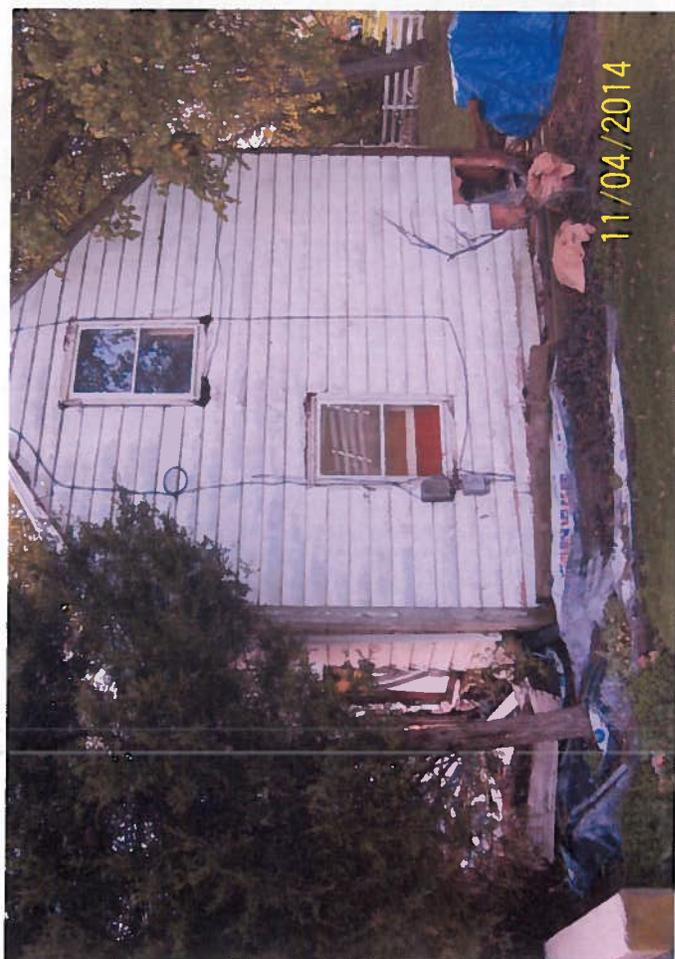
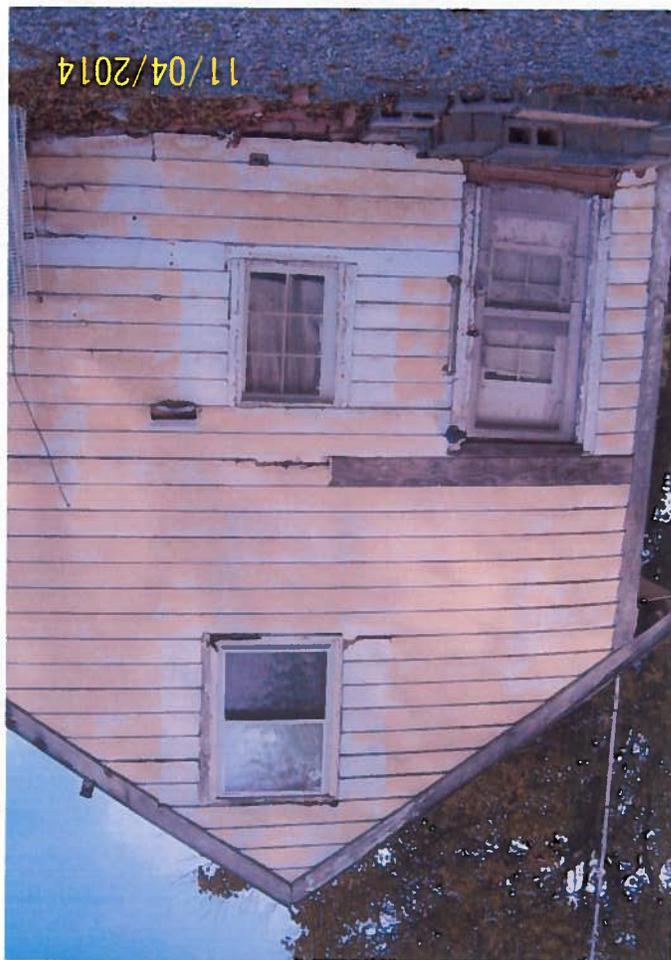
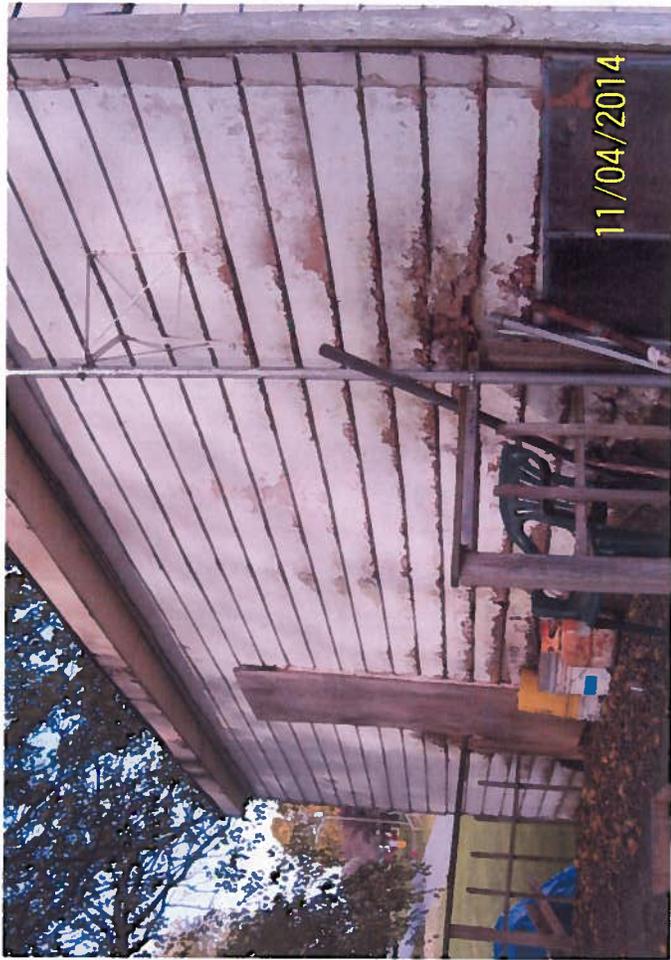
Matt and Heather Delauter

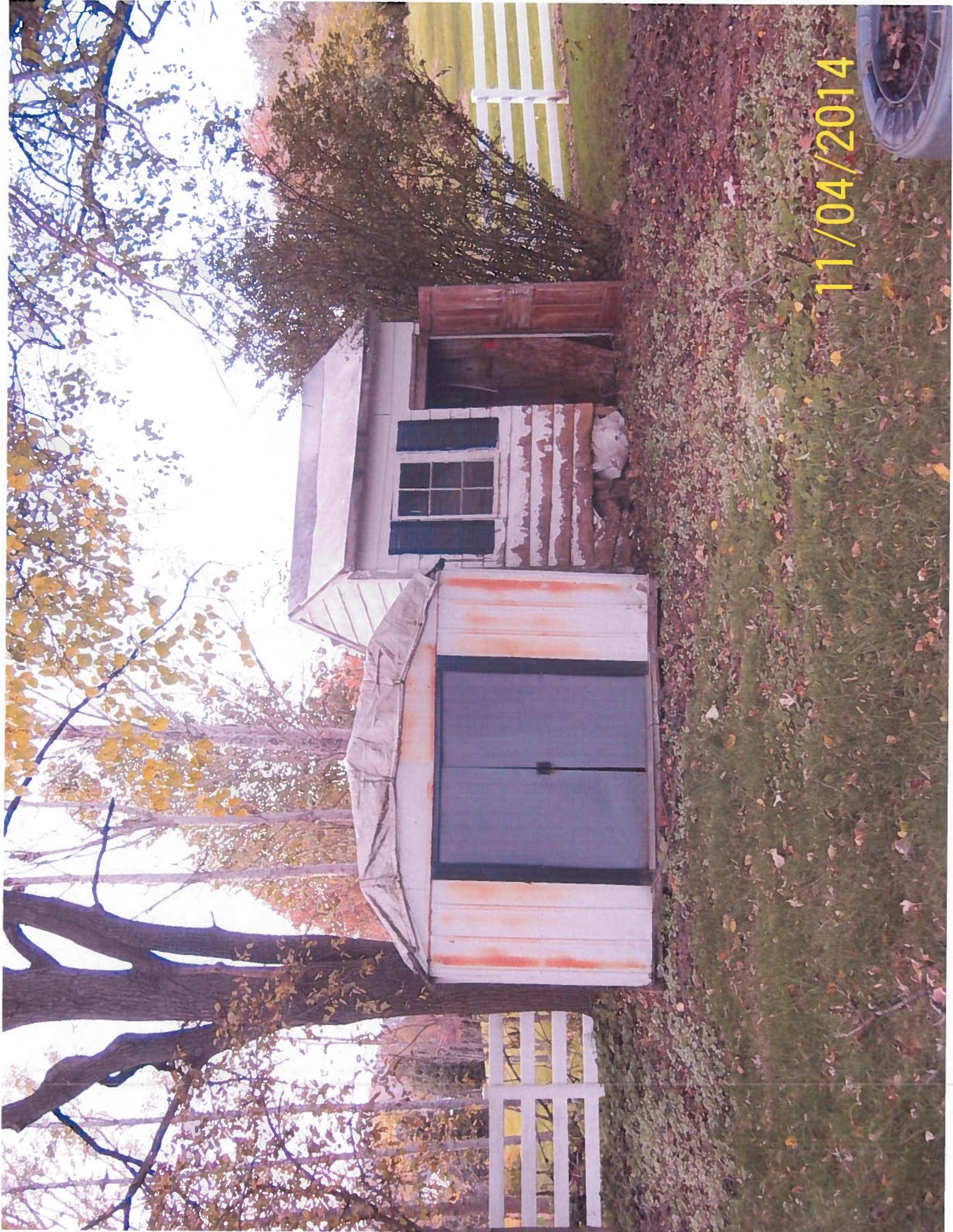
329 South Jefferson Street

Middletown, MD 21769

240-344-2514

heatherdelauter@mrisc.com





11/04/2014

17.32.160 Demolition site plan--Required in all districts.

A. In all districts a proposal and permit application for the demolition of any building or structure, as defined in Section 17.04.030, shall require site plan approval by the town of Middletown planning commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:

1. The dimensions and boundaries of the property and the location of all improvements thereon;
2. The location of the building or structure proposed to be demolished;
3. The location of all adjacent properties and structures;
4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;
5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;
6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition;
7. A plan of safety precautions to be taken for the demolition to protect the safety of persons and surrounding properties;
8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the proposed demolition;
9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.

Upon any demolition site plan approval granted by the planning commission and upon the issuance of a demolition permit by the town of Middletown, all such demolitions and post demolition restoration shall be completed within ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

For purposes of this section, fences of any type shall not be considered a "structure" and shall, therefore, be exempt from this requirement.

B. All site plans for demolition shall be submitted a minimum of thirty (30) days prior to a regularly scheduled planning commission meeting. The planning commission may require bonds or guarantees to ensure restoration of the site.

C. Notices. In addition to posting a public notice sign on the property advising of the proposed demolition, an applicant seeking to demolish a building or structure hereunder shall be required to give written notice thereof to all adjacent and contiguous property owners not more than ten (10) days after submitting the demolition permit application and the demolition site plan to the town of Middletown planning commission, advising of the date, time and manner of the proposed demolition. A record of such notice shall be made to the planning commission.

Middletown Planning Office

MEMORANDUM

Date: 11/6/2014

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY FINAL PLATS REVIEW**
Tax Map Parcel #03-160661
Applicant: Hailey Development, L.L.C.
Property Owner: Hailey Development, L.L.C.
Plan Dated: October 2014
Date Received: November 3, 2014

GENERAL INFORMATION

Proposal: Neo-Traditional Residential development on 18.4 acre property adjacent to a 6.4 acre R-3 zoned property with 81 single-family dwellings, a 0.7 acre Village Green amenity and a 3.45 acre public use/library site.

Location: North side of East Green Street and east of North Church Street

Zoning: NTR – Neo-Traditional Residential Overlay District for 18.4 acres and R-3 High Density Residential zoning for 6.4 acres. The NTR district is intended to permit planned development in the R-3 zoning district in order to preserve an aesthetically pleasing appearance in that district, to avoid the creation of nuisance or nuisance-like conditions in that district, to protect the value of other property or investments within that district, and to reduce the impact of its residential uses in surrounding districts.

Present Use: Agricultural land.

COMMENTS

The following issues should be considered in your review of these Final Plats:

1. **Final plat requirements** – According to Chapter 16.24.010 of the Municipal Code, the final plat shall contain the following information:
 - A. General Style and Form.
 1. Drawing. It shall be legibly and accurately drawn on tracing linen or mylar sheets eighteen (18) inches by twenty-four (24) inches in size, and at a scale of one inch to fifty (50) feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used. Drawing must be a three and one-half inch margin on the left side and a one-half inch margin on the other

sides. Each additional sheet on a final plat shall contain all of the necessary information so as to stand on its own. *The final plats will be submitted on mylar sheets when the time comes for signatures and then recording. Each plat is being submitted on two sheets with Sheet 1 showing the lot dimensions and metes and bounds, and Sheet 2 showing the various easements needed. Staff had agreed with the applicant that a two-sheet submittal per plat would be necessary due to the number of easements to be shown and the fact that if all information was put on one sheet, the plat would be difficult to read.*

2. Meet Platting Requirements. It shall conform in all respects to the requirements of Real Property Book, [Title 3](#), Subtitle 1, Section 3-108, 1974 Edition of the Annotated Code of Maryland, which relates to the making, filing and recording of plats. Among other things the above requires that plats for recording must be surveyed and certified by a registered surveyor. *Surveyor's Certification will be signed prior to plat signature and recording.*

3. Title Information. Title information shall include:

- a. Subdivision name; *Shown*
- b. Location by election district, city or county and state; *Shown*
- c. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor; *Shown*
- d. Scale, date, and north point; *Shown*
- e. A map to scale showing location in county. *Shown*

B. Graphic Information. The following graphic information shall be shown:

1. Boundaries. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (5,000). Coordinates must be shown at all boundary break points; *Shown*
2. Bearings and Distances. Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat; *Shown*
3. Monuments. The accurate location and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System (Lambert Conformal Conic Project, adopted by Act of General Assembly 1939, Chapter 628); *Shown*
4. Adjoining Owners. Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsplit property; *Shown*
5. Adjoining Roads. Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract; *Shown*
6. Engineering Data. The exact location and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, delta angle, tangents, chord length, chord bearing, and any other necessary engineering data, with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to half minutes; *Shown*
7. Street Names. A name must be given to all new streets, drives and cul-de-sacs according to the requirements in [Section 16.28.030\(P\)](#); *Shown*
8. Setback Lines. Minimum building setback lines (front, side and rear) on all lots; *Shown*

9. Numbering. Blocks lettered in alphabetical order, and lots numbered in numerical order; *Shown*

10. Public Lands. Accurate outlines of any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated; *Shown*

11. Lot Area. Accurate area of each lot or parcel, other than public ways; *Shown*

12. Municipal Lines. Accurate location of the municipal or district line traversing or closely related to the tract; *Shown*

13. Drainage Lines. Existing and relocated courses of any watercourses or storm drainage facilities traversing the tract, with the right-of-way or easement lines provided therefor; *n/a*

14. Water and Sewer Lines. Location and size of existing and proposed water and sewer lines. *Not shown. Staff Planner will defer to the Town Engineer as to whether the location and size of proposed water and sewer lines are needed to be shown on the plats. In looking at the final plats for both Foxfield and Glenbrook, none of those plats show the location and size of the proposed water and sewer lines.*

C. Certificates and Other Information. The following certificates and other information shall be included:

1. Owner's Certificate. Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat; also offering for dedication all streets and other ways and places intended for public use; *Shown and will be signed prior to plat recordation*

2. Engineer's Certificate. Certificate of the surveyor to the effect that the plat represents a survey made by him or her, that it is accurate to the best of his or her knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with; *Shown and will be signed prior to plat recordation*

3. Agencies Approvals. A space shall be provided for certificate of approval by the planning commission of Middletown. In case any part of the subdivision is located within the jurisdiction of the county, an additional space should be provided for certificate of approval by the chairperson of the county planning commission. The plat must also contain a space for approval of the appropriate county health department with the required health department statement on conformance with the county master water and sewer plan and statement signed by the owner that all lots offered for sale will be serviced by public water and public sewerage; *Shown and will be signed prior to plat recordation; regarding the stormwater management facility easement shown on Plat 4 Sheet 2, since the facility area is not being subdivided off as part of the subdivision, the county does not need to sign-off on the plat, but will be signing off on deeds of easements for access to the facility if needed for inspections.*

4. Protective Covenants. Protective covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat. *Acknowledged*

The final plats show all the information required, except as noted above.

2. **Incorrect information** – In the Plat 3 Sheet 2 Line Table, the L2 length is shown as 24.04, which is incorrect. It should be more like 4 feet. Also on Plat 3 Sheet 2, there is a 3-foot

measurement with arrows depicted on the east side of the drawing. It would appear that the measurement should be removed. Additionally on Plat 3 Sheet 2 there are some bearings and measurements that appear to be overlapping so are difficult to read on the west side of Ingalls Drive. On Plat 5 Sheet 1 there are a couple of distances missing on the south side of Parcel G and Lot 71 which need to be shown. Lastly, Plat 2 Sheet 2 is missing the Rodgers Consulting contact information as shown on all of the other plat sheets.

3. **Health Department approval by Frederick County** – The final plats have been submitted to the County Health Department for their review and approval.
4. **Stormwater management guarantees and deeds of easement/maintenance agreements** – stormwater management guarantees must be in place prior to plat approval. All guarantees and public works agreements must be in place prior to permit approvals. Deed of Easement/Maintenance Agreements will be required prior to approval of record plats and/or building permits. Stormwater and stormdrain deeds of easement and maintenance agreements must be in place prior to final plat and building permit approvals.

This review will be included in the Middletown Planning Commission materials for the November 17, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be November 12, 2014.

Cc: Tim Quinn, Rodgers Consulting
Randy Frey, Rodgers Consulting
Mike Fitzgerald, Hailey Development LLC
Rich Thometz, Hailey Development LLC

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 11/3/2014

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green -Water Tap agreement approved by Burgess & Commissioners – March 2012
Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013
Final FRO Plan approved – April 21, 2014
Final Plats submitted for review – November 3, 2014

Foxfield Section 4- 7 homes still to be built.
2nd year FRO review – 68% compliance – 196 additional trees were planted (May 2014)
With additional trees planted, the rest of the FRO LOC was released – June 2014

Site Plans and Minor Subdivisions:

AMVETS Expansion Plans – Revised Site Plan approved – May 19, 2014 (Plans expire 5/19/2017)

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
Simplified Delineation/Combined Forest Conservation Plan submitted–September 10, 2014
Phase 2 Site Plan reviewed by PC – October 20, 2014

Delauter demolition plan submitted – October 13, 2014

Fire Station – Concept plan submitted to PC for comments – April 22, 2013
Fire Station plat conditionally approved – October 16, 2013
Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County - December 1, 2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010

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
Revised Architectural Plans submitted and reviewed – June 16, 2014

Middletown H.S. Stadium Concession Stand Expansion Plan – approved June 18, 2012
(Plans expire June 18, 2015)

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
SHA comment letter received February 18, 2014

Newton Property (Cross Stone Commons) – Concept Plan submitted – October 1, 2012
BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)
Addition Plat conditionally approved by PC – November 18, 2013
Revised Site Plan conditionally approved by PC – November 18, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Improvement Plans conditionally approved by PC – July 21, 2014
Revised Site Plan conditionally approved – October 20, 2014
Revised Improvement Plans – Phase 1 conditionally approved – October 20, 2014
Addition Plat submitted for signature – November 3, 2014

Potomac Gun Depot – plans conditionally approved – February 18, 2013
Revised site plan conditionally approved – June 17, 2013; (Plans expire June 17, 2016)

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)

Schoonover property – **Addition Plat conditionally approved – October 20, 2014**

Subway property - Garden Center – Revised Site plan conditionally approved – May 19, 2014
(Plans expire – May 19, 2017)

Thompson Funeral Home Parking Lot – revised site plan conditionally approved April 22, 2013
SWM Plans conditionally approved by Frederick County – October 29, 2013

Verizon Small Cell Antenna Installation – site plan reviewed – June 16, 2014
Revised site plan conditionally approved – July 21, 2014; (Plans expire – July 21, 2017)

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

Text Amendments:

Zoning Code review – ongoing

Adult Uses text amendment – PC recommended approval of text amendment - July 21, 2014
Public Hearing held – September 4, 2014
Town Board revised text amendment and sent back to PC for recommendation-Sept. 8, 2014
PC recommended approval of revised amendment – September 15, 2014
Public Hearing held - October 2, 2014
Town Board approved text amendment – October 13, 2014

Gun sales restrictions – PC deferred discussion of potential regulations to November meeting

Reports: none

Meetings: Maryland/Delaware APA Conference – October 28-29, 2014