

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

April 21, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, April 21, 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, David Lake, and Bob Smart. Others present in official capacity: Commissioners Rich Gallagher (Alternate) and Dixie Eichelberger (Temp. Alternate), Bruce Carbaugh (Director of Public Works) and Annette Alberghini (Recording Secretary). Others present: Mark Crissman (DMW), Nancy Newton (resident), Victor White (Hogan Companies), Bruce Dean (Linowes & Blocher), Randy Bilder (Subway Property Owner) and Mike Fitzgerald (Hailey Development)

I. PUBLIC COMMENT – None

II. Regular Meeting Minutes of March 17, 2014 – Commission Chairman Carney described the new procedures implemented regarding the Planning Commission meeting minutes review prior to each Planning Commission workshop meeting using track changes. The issue concerning the comments made during the track changes for these minutes regarding cluster development regulations was discussed and resolved. Commissioner Lake noted the proper protocol used during actions requiring voting that the minority opinion to the action can be stated at the time of the vote, as well as, the reason for any abstention votes.

Action: Chairman Carney asked for a motion for these minutes because further discussion did occur during the meeting. Commissioner Lake motioned to adopt the Planning Commission meeting minutes of March 17, 2014 with the accepted changes as stated. Commissioner Smart seconded. Motion carried (5-0, Commissioner Gallagher voted due to the absence of Commissioner Goodman at the beginning of the meeting).

III. PLAN Review

Cross Stone Commons Improvements Plan – Chairman Carney summarized the Staff Planner's memo; the Planning Commission conditionally approved the site plan for Cross Stone Commons contingent upon the formal approval of the Stormwater Management Plan by Frederick County, and the official acceptance by the State Highway of the right-in-only turn lane off Alt. US40. Water and sewer capacity certification has been approved for Cross Stone Commons by the Town. The applicant has stated the sidewalks for the development will be 5 feet wide and in compliance with ADA requirements. The applicant will need to submit a final forest conservation plan for approval. It will not be payment in lieu of, but total mitigation will occur by plantings at Wiles Branch Park.

- **FRO** – The applicant surveyed the off-site Forest Conservation Plan location 2 weeks ago. The applicant met with the Staff Planner to identify the planting location. Applicant is now in the process of selecting plants and trees and putting those quantities into the plan. The plan should be ready for submission in 1-1.5 weeks.
- **Traffic Impact Study** – In response to comments received from the Town Board & Planning Commission, the applicant asked their traffic consultant to study the 2 site access entrances off the Middletown Parkway further to identify any other needed improvements. The traffic consultant does not believe anything over and above what is in the site plan is necessary for that location in the near future. The applicant noted that this study was completed under the assumption that no acceleration/deceleration lane is needed on the Middletown Parkway.
- **State Highway Administration Update** – The applicant stated that communication has progressed with SHA and they are in the process of scheduling a meeting to address the denial of the right-in-only turn lane off Alt. US40. The denial was based upon the lane not meeting

intersection spacing requirements of a primary arterial road. The applicant stated that Alt. US40 is designated as a secondary arterial road. The State normally grants access on secondary arterial roads unless there is a safety hazard such as spacing requirements at an intersection. The spacing is 200 feet and meets the State's minimum requirement. The applicant is confident that once they meet with SHA there should be a positive resolution to this issue. The applicant then stated if SHA does not grant a right turn-in they will have to come back to the Planning Commission because everything presented to the Planning Commission is based upon the right turn-in access. Commissioner Smart stated his concern with proceeding forward with the improvement plan with everything contingent upon the outcome of the meeting with SHA. Applicant expects resolution before June.

- **Signage** – Commissioner Goodman requested a rendering of the sign proposed for scale and to give a better view of what the sign would look like. The applicant provided the renderings to office staff just prior to the start of the evening meeting. The Planning Commission Chairman will coordinate the dispersal of these drawings and information with the Staff Planner to the Planning Commission and the Town Board. The Planning Commission needs further definition of the Town code regarding monument sign area. It currently states 120 square feet with a maximum height of 8 feet. Chairman Carney stated signage does not have to be resolved as part of the improvement plan, and will be moved to sign review. The landscape plan shows the sign with a smaller footprint than the current design. The applicant stated they are working on a written explanation as to why they are proposing to go into the setback area for the signage. The applicant will have that to the Planning Commission prior to the meeting on May 5, 2014.
- **Bike Racks** - The applicant will add the bike racks to the site plan.
- **Fencing** – The applicant has eliminated the wooden portion of the fence from the site plan.
- **Minor Errors on Plans** - The adjacent property owner's name has been updated on the plan.
- **Stormwater Management** – The applicant stated the Development Plan was approved and they are now in final review with the County as part of their Improvement Plan Review. Once they have received and review all comments from all parties involved, they will make revisions and resubmit the plans for all agencies for re-review. Applicant stated they expected to resubmit for re-review within the next 2 weeks.

The Commission Chairman stated that with the revisions and outstanding issues, this discussion will be continued at the May meeting.

Action: None taken.

Coblentz Property Final Forest Conservation Plan – The calculations for the Forest Conservation Credit Summary were modified as follows; total tract area was increased from 24.83 acres to 27.61 acres, net tract area was increased from 21.43 acres to 24.95 acres, and the resulting offsite mitigation to be met increased from 1.51 acres to 1.59 acres. The plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Remsburg Park. The proposal had been discussed with the Town Board and the Parks and Recreation Committee and has been approved by both parties. Applicant stated planting would commence in conjunction with the development, usually in the Fall to mitigate loss from possible drought conditions. The entire 1.59 acres would be planted at the same time.

Action: Commissioner Smart motioned to accept the Final Forest Conservation Plan for the Coblentz Property. Commissioner Miller seconded. Motion carried (5-0).

Zion Lutheran Cemetery Storage Shed Site Plan – The proposed use is for a 40ft. by 60ft. storage shed To be erected to house equipment, mowers, tractors etc. and to eliminate the unsightly dirt pile located along Ifert Drive. The proposed shed meets all setback requirements and is proposed to be 16 feet tall with inside lighting only and no water is being proposed to the shed.

Action: Commissioner Lake motioned to approve the Zion Cemetery Storage Shed Site Plan as proposed. Commissioner Smart seconded. Motion carried (5-0).

Garden Center Site Plan – The property has a proposed use for year-round outdoor sales of plant material, mulch, and other gardening materials along with retail sales of plants and floral items. It requires a paved area measuring 10-feet-back from the existing sidewalk on MD17. No additional lighting is currently proposed, and a change of use application will need to be filed with Frederick County Permits Department, along with a building permit for the storage shed if it is proposed to be greater than 150 square feet.

- **Stormwater Management** – The applicant proposes installing a 1600 gallon barrel to collect runoff from the Old Post Office Building next door to use to water plants once business is open. The applicant also proposes installing a sump pump in the dry well out front of the business to pump water back to that storage barrel as well during the seasons the business is operating. Once the business closes for the season the applicant plans on pumping to the drain on his property that empties to the street. The Director of Public works stated the owner may have issues with that freezing in the winter. The Planning Commission requested that the barrel and sump pump be added to the site plan and to provide a description, including winterization plans, to the Director of Public Works for review.
- **1 Site on 2 Lots** – The Commission Chair contacted the Town Attorney for clarification regarding operating a business on multiple lots within town limits. The Town Attorney has yet to respond.
- **Business Hours of Operation** – The business hours were not noted on the site plan. The applicant stated that the business owner planned the hours of operation to be from 7am-7pm. Commissioner Goodman suggested that the business owner may want to extend his business hours to 9pm during the time of year he plans on selling Christmas trees. The applicant will inform the business owner of the suggestions.
- **Parking** – The applicant is proposing a 6 car parking area at the back of the property. The applicant is proposing to use asphalt shavings on top of the existing gravel. The Director of Public Works stated the aggregate present is 57 type (like marbles). He also stated that millings on top of the aggregate will work providing the applicant removes any loose aggregate first. If the aggregate is left at its current depth of 3-6 inches it will shift once the millings have been deposited on top and then vehicles drive over it creating problems. The Planning Commission requested that the applicant provide detailed information on what is to be done for the parking at the site to the Director of Public Works for review.
- **Gates** – There will be 2 gates on the property for security. One gate will be located at the end of the property next to the Subway restaurant. Both the Planning Commission and the owner want that gate closed and locked to prevent vehicles driving through that access point.
- **Signage** – The applicant intends to install a sign at the north side of the property near the business entrance/exit. They will also add to the current Subway sign as well.
- **Internal Improvements** – The applicant stated his intent to install a new ceiling, new floors, and a new window to the existing building. The applicant was referred to the Staff Planner to see if a permit was needed. The applicant was reminded to obtain a change of occupancy permit from the County.

IV. ZONING

Violations

- **Thompson Funeral Home Parking Lot** – The Planning Commission is requesting a formal report from the Zoning Administrator as to the status of this violation.

V. MISCELLANEOUS

Draft 2013 Annual Report – The Planning Commission decided to address the draft report at the joint Planning Commission/Town Board meeting scheduled for May 5th. Chairman Carney requested that all Planning

Commission members submit their comments to the Staff Planner by close of business May 5, 2014 so the final version can be recommended to the Town Board for approval.

IPads for Commission Members – Commissioner Goodman stated he has spoken with Burgess Miller about the purchase of IPads for Planning Commission members. He has requested that the IPads be a line item in next year’s budget. He will continue to pursue this purchase.

VI. ADDITIONAL PUBLIC COMMENTS – None

Meeting adjourned at 8:15pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary