

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

**Regular Meeting**

**October 19, 2015**

The regular meeting of the Middletown Planning Commission took place on Monday, October 19, 2015 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), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Daniel Shaffer (D.R. Shaffer Construction Co.), and Sally Frasher (Property Owner).

**PUBLIC HEARING**

AN ORDINANCE TO AMEND TITLE 16 – “SUBDIVISIONS” OF THE MIDDLETOWN MUNICIPAL CODE; TO ADD DEFINITIONS FOR THE TERMS “CUL-DE-SAC”, “FLOODPLAIN”, “PLAT”, “RIGHT-OF-WAY”, “ARTERIAL STREET” AND “TRACT”; TO REQUIRE THE SUBMISSION OF ELECTRONIC COPIES OF CERTAIN PLATS AND OTHER DOCUMENTS; TO REDUCE THE DEMANDS OF A PROPOSED SUBDIVISION OR PROJECT FOR WATER AND SEWER CONSUMPTION TO TWO HUNDRED FIFTY (250) GALLONS OF WATER PER EQUIVALENT DWELLING UNIT; TO REMOVE ESCROW ACCOUNTS AND BONDS AS AN ACCEPTABLE TYPE OF GUARANTEE FOR THE CONSTRUCTION OF IMPROVEMENTS; TO ADD PROVISIONS RELATING TO DEVELOPMENT IN WETLANDS, FLOODPLAINS, WATER BUFFER AREAS AND FOREST LANDS; TO INCREASE MINIMUM SIGHT DISTANCES TO 300 FEET FOR DEVELOPMENTS ON COLLECTOR STREETS; TO REQUIRE STREET NAME SIGNS TO BE INSTALLED INITIALLY BY THE DEVELOPER; AND TO MAKE OTHER NON-SUBSTANTIVE STYLISTIC AND LINGUISTIC CHANGES.

The Staff Planner stated that this public hearing was properly advertised. She did receive a phone call from a resident inquiring about the reduction in the demand of water and sewer consumption to 250 gallons of water per equivalent dwelling unit for proposed subdivisions. She explained to the caller that the proposed change was due to a modification in town policy.

There was no public comment. The Public Hearing closed at 7:04pm.

**OCTOBER MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT** – None.
- II. Regular Meeting Minutes of September 21, 2015** – Approved as submitted.

**III. PLAN Review**

**Demolition Plan – 109 South Jefferson Street** – (Sally Frasher (property owner), and Daniel Shaffer (D.R. Shaffer Construction Co) were present.) This is a demolition plan for the proposed removal of rear porches and shed at 109 South Jefferson Street. All requirements of Section 17.32.160 (Demolition site plan) of the Middletown Municipal Code have been met. The applicant has applied for a demolition building permit and received approval by the County. Once the Planning Commission has approved the demolition, the permit will be issued by the County. A site plan of the porches and shed to be demolished have been furnished by the applicant.

Letters were sent to the adjacent property owners informing them of the proposed demolition. Demolition will commence two weeks from the issuance of the demolition permit and should take one week to complete.

**Action:** Commissioner Miller motioned to approve the demolition plan for 109 South Jefferson Street as presented. Seconded by Commissioner Smart. Motion carried (5-0).

#### **IV. ZONING**

**Subdivision Regulations Amendments** – The Planning Commission has reviewed Title 16 – Subdivisions and has made the following recommendations for updates to this section:

- Proposed changes:
  - 1) Changed references of director of operations and construction to director of public works.
  - 2) Changed the daily consumption of gallons of water per dwelling unit from 300 gallons to 250 gallons per the changed policy of the Town. (Section 16.12.055)
  - 3) All sketch plans shall show topography at five-foot contour intervals instead of only where the slope conditions exceed eight percent. (Section 16.16.020)
  - 4) Changed the minimum sight distance on collector streets from 200 feet to 300 feet. (Section 16.28.030)
  - 5) Changed reference to private streets from ‘will not be approved’ to ‘will not be maintained by the town’. (Section 16.28.030)
  - 6) Changed reference to street signs erection from ‘by the town’ to ‘by the developer, initially’. (Section 16.32.020)
- Proposed deletions:
  - 1) Deleted the definition of “double frontage lot”. (Section 16.04.030)
  - 2) Deleted penalty provisions in Section 16.08.140 that are already in place per State Code.
  - 3) Deleted type of guarantee of construction of public improvements no longer accepted by the Town. (Section 16.12.070)
  - 4) Deleted reference to condominiums. (Section 16.16.020)
- Proposed additions:
  - 1) Added definitions for “cul-de-sac”, “floodplain”, “plat”, “right-of-way”, “arterial street”, and “tract”. (Section 16.04.030)
  - 2) Added references to the state’s Land Use Article where Article 66B is cited.
  - 3) Added penalty provisions for violations of the subdivision regulations. (Section 16.08.140)
  - 4) Added references to electronic copies of plans that are to be submitted.
  - 5) Added references to architectural renderings or drawings that are to be submitted.
  - 6) Added language regarding waterbody buffer requirements. (Section 16.28.020)
  - 7) Alleys will be allowed in overlay districts to represent what has already been approved in recent developments. (Section 16.28.030)
- For conforming purposes:
  - 1) Changed the word ‘master’ to ‘comprehensive’ in relation to references to the towns comprehensive plan.
  - 2) Amended references to Frederick County to conform to the new executive council and board.
  - 3) Changed ‘major highway’ to ‘transportation’ in relations to comprehensive plan sections.

Other minor edits were primarily for grammatical purposes.

**After the Public Hearing in which there were no public comments, there was further discussion among the Planning Commission members of the proposed changes to the Subdivision regulations.**

- 1) In Section 16.12.050.E, it was agreed to add the words ‘stormwater management’ after the word ‘road’, so that the proposed language now reads – “including, but not limited to, roads, stormwater management and public spaces.”
- 2) The last proposed sentence in Section 16.12.050.E was agreed to be moved to the end of Section 16.12.050.C, and changed to read – “All appropriate entities shall review all architectural information and submit recommendations to the planning commission for their consideration.”

**Action:** Commissioner Smart motioned to forward all recommendations submitted at the public hearing and during this planning commission meeting for Title 16 – Subdivisions onto the Burgess and Commissioners for consideration. Seconded by Commissioner Miller. Motion carried (4-0-1). Commissioner Goodman abstained.

The Staff Planner will bring this item before the Town Board for consideration.

**Zoning Code Update – Section 17.36 Signs** – The Planning Commission has reviewed Chapter 17.36 and has the following comments for updates to this section:

- Additions:
  - 1) Include language that all signs be located within the owner’s property boundaries and not within the right-of-way. (Section 17.36.030)
  - 2) Include language in relation to subdivision and community identification signs that the PC shall have the authority to approve the location and orientation of the sign. (Section 17.36.090)
  - 3) Include language that all temporary signs be removed when the circumstances leading to their existence no longer apply. (Section 17.36.150.E)
- Deletions:
  - 1) Reference to owners of pre-existing nonconforming signs to provide the zoning administrator with information regarding the sign in order to catalog the existence of the sign. (Section 17.36.120)
- Proposed Changes:
  - 1) Change the definition of political signs (Section 17.36.020)
  - 2) Change the height requirement for subdivision and community identification signs and other freestanding signs in residential districts from a maximum of 8 feet to a maximum of 4 feet. (Section 17.36.090 and Section 17.36.100)
  - 3) Change the maximum size of freestanding signs in residential districts from a maximum of 50 square feet to a maximum of 32 square feet. (Section 17.36.100)
  - 4) In regards to sign permit procedures, change approval and enforcement authority from the planning commission to the zoning administrator. (Sections 17.36.130 and 17.36.160)

- 5) Remove political signs and garage/yard sale signs from the Exempt signs section (Section 17.36.140) and relocate them to the Temporary signs that do not require a permit section (Section 17.36.150.B)

Other minor edits were primarily for non-substantive and grammatical purposes.

The changes will be forwarded to the Town Board for consideration. Once approved, the County Board of Elections will be notified of the Town's political sign regulations.

## V. MISCELLANEOUS –

**Parking fee-in-lieu** – The Planning Commission reviewed the City of Frederick's payments in lieu of parking policies. Questions arose on how a similar policy would be implemented within the Town. Using this for new construction projects or change of use for businesses was discussed. It was determined that this could be a deterrent for businesses in Town because of costs. The Planning Commission is not against this idea, but the mechanism to implement this must come from the Town Board. Commissioner Goodman will present these findings to the Town Board.

**Coblentz on Green** – Site work has begun. The Staff Planner is meeting with the developers Tuesday, October 20, 2015.

**Franklin Commons** – The revised plans arrived today which addressed the comments of the Director of Public Works.

**Cross Stone Commons** – SHA conditionally approved Phase 2 Improvement Plans – October 2015.

**School Complex** – Ongoing preliminary discussions are occurring among the schools, the County and the Town regarding parking and roadway improvements.

**Planning Commission Meeting Decorum** – Chairman Carney is looking to formalize procedures to be used by planning commission members during the monthly meetings when interacting with applicants. Roberts Rules of Order will be reviewed at the November planning commission workshop.

## VI. ADDITIONAL PUBLIC COMMENTS – None.

**Meeting adjourned at 8:07pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary