

**Middletown Planning Commission
31 West Main Street
Middletown, Maryland 21769**

Regular Meeting

October 21, 2013

The regular meeting of the Middletown Planning Commission took place on Monday, October 21, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were: Commissioner Chairman Mark Carney, Commissioners David Lake, Chris Goodman (Ex-Officio), Bob Miller, and Bob Smart. Others present in official capacity: Commissioners Rich Gallagher (Alternate) and Ron Forrester (Temp. Alternate), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works), and Julie Baer (Recording Secretary). Others present: Randy Frey (Rodgers Consulting), Rich Thometz (Hailey Development), Mike Fitzgerald (Hailey Development) and Bill Brennan (B&R Design Group).

I. Public Comment – None

II. Regular Meeting Minutes of August 19, 2013 & September 16, 2013 – deferred approval until November 18, 2013 Planning Commission Meeting

III. Plans

Coblentz Property Improvement Plan: Cindy reviewed the Preliminary Plan which was conditionally approved on March 18, 2013. The approval was contingent on:

- * **All waiver requests are to be identified on the plans.**
- * **A waiver for mountable curbs should be added to requests.**
- * **A waiver for the center line radius of roads from 150ft min. to 63 ft. min.**
- * **A traffic volume analysis should be done to determine need for accel/decel lane**
- * **Curb and gutter should be required along Green Street.**
- * **The plans should show all revisions from Frederick County comments.**

Chairman Carney asked if a traffic volume analysis determined if accel and decel lanes are needed. Randy Frey (Rodgers Consulting) stated that they agreed to do the accel and decel lanes without doing a traffic volume analysis. All waiver requests were approved and the revised plans were signed on May 29, 2103, and took into account all contingencies.

- **Building restriction lines:** Cindy stated that lots 71 and 72 have been corrected.
- **Street Names:** Frederick County has approved the following names: Gaver Way, Fink Lane, Ingalls Drive and Dean Lane.
- **Stormwater Management:** the question arose as to who will maintain the stormwater ponds. Cindy stated that correspondence from Rodgers Consulting, dated May 2013, references the stormwater facilities to be maintained by the HOA. Chairman Carney asked if there is proper legal description on record that stated what HOA is responsible for. Chairman Carney stated that records/deed should clarify the maintenance responsibilities. Rich Thometz (Hailey Development) responded that the plats were to reference HOA. Commissioner David Lake had a question about the enforcement of the HOAs and asked about involving the Town Attorney. Bruce inquired how the HOAs are enforced. Randy Frey (Rodgers Consulting) commented that in Frederick County stormwater easements are referenced in HOAs to make sure of enforcement. Chairman Carney asked to have Town Attorney research the enforcement of HOA-stormwater easements.
- **Landscape:** Cindy commented that she would like to see a third type of tree added.

- **FRO:** Chairman Carney asked Cindy if final forest conservation plan need to be approved as a part of the improvement plan. Cindy stated it needs to be approved before final plats.
- **Phases:** Cindy stated that the Master Plan of 4 phases has been changed to 2 phases for infrastructure phasing. Phase 1 will have 40 houses and Phase 2 will have 41. Chairman Carney asked Mike Fitzgerald (Hailey Development) to clarify infrastructure on the drawing. Mike Fitzgerald indicated that Phase 1 is the land closest to the elementary school. Commissioner Smart asked about which phase the future library is in. The library is to be deeded to the Town in Phase 1, per Cindy. Chairman Carney requested clarification for which section the first 20 lots are to built-front, side or middle. Bruce commented that we will need a phasing plan showing infrastructure for Phase1 and Phase 2. Commissioner Gallagher asked what sewer line the library is going to tie into. Commissioner Smart advised that the library is not on the County's CIP plan and not indicated on current plans. Bruce stated that the sewer line drains towards Church Street and on this project no sewer line is to drain to Green Street.

At this point in the meeting, Bruce Carbaugh (Director of Public Works) briefly explained a few key topics from his Coblenz Property Improvement Plans Review:

- Plans need to be adjusted to show Phase 1 and Phase 2 Infrastructure
- Right of way- Street Widths- No on-street parking-Possibly a few areas where parking on one side of street possible (ex. Glenbrook)
- Sewer depth indicates 27 feet deep; Town doesn't accept over 18ft deep
- Existing 8" terracotta sewer line in poor condition, the developer will need to have line evaluated to see if it supports 81 lots. Town may have to make improvements-work together with developer
- Contractor will need to provide plan for temporary water while existing water main is lowered
- The double house connection that serves Lot 8 & 9 needs to be revised-not preferred
- Lower storm drain on Ingalls Drive so water line will be minimum bury depth
- StormWater Management – Town Requirements- Fence minimum 4 ft high-Chain link, Wood or PVC acceptable materials
- Street Lighting- Potomac Edison designs street lighting. Walking paths at Lots 8&9 and 17&18 need to have lighting
- Need 3 way stop sign at the intersection of Dean and Ingalls. Need additional stop sign at Dean Lane and Gaver Way

Chairman Carney commented that he would like fencing for stormwater pond to be consistent with others in Town. Commissioner Goodman asked Bruce about metered light fixtures. Bruce stated that we pay for a set amount for each pole per month, but possibly we could meter the street lights for the development, like they do in parking lots. Bruce stated that Potomac Edison would have to be contacted to see if this is possible. Commissioner Goodman also asked about the Town maintaining the street lights for this development, to help on costs. Bruce stated that Potomac Edison is responsible for the maintenance of the street lights in the Town.

Cindy stated that no lighting is shown for the pathways and the pathways need to be lit. She commented that this was discussed at preliminary plan stage. Cindy asked Bruce Carbaugh about the type of pathway lighting in Foxfield. Bruce stated that it is RAD pathway lighting. Chairman Carney asked who installed lighting and Bruce responded that the Town installed it. Chairman Carney asked Commissioner Goodman to pursue metered lighting questions with the Town Board.

Chairman Carney asked if these plans show phasing. Bruce stated no phases are shown. Chairman Carney advised that we would like to see a Phase 1 and Phase 2 plan. Chairman Carney asked Cindy if the Planning Commission has Architectural Review on this development. Cindy stated no and that at master plan approval, building materials were discussed.

Cindy asked if the depth of the sewer line is going to affect other aspects of the development. Randy Frey commented that ejector pumps would be installed on affected sites. Bruce Carbaugh stated that ejector pumps are not uncommon.

Cindy stated that signage details will be needed at Improvement Plan stage.

Cindy addressed a few issues that were pointed out by ARRO Engineering. ARRO reviews plans for the Town.

1. **Fink Alley**- if this is going to be one way- will need appropriate signage

Rich Thometz (Hailey Development) indicated the roadway is 16ft wide to allow for 2 way traffic. Bruce stated it will facilitate 2 way traffic.

2. **Crosswalks**- Needed at Fink Lane leading to Pedestrian walkway

Rich Thometz asked the Board if they want marked crosswalks. Chairman Carney had a question about who maintains painting of the crosswalks. Cindy stated the HOA would. Chairman Carney asked if we have crosswalks in other neighborhoods. Bruce commented not between intersections, and they must have signage. Bruce stated this is not a necessity and we can go out later and mark the crosswalk; it is a minimal task. Commissioner Smart commented that this is a primary route to the school, and it's a safety issue. He would like to have crosswalk marked for the 2 crosswalks that lead to the pathways to the schools. Commissioner Smart asks about MD SHA. Cindy advised that if any more land is annexed north for any future development, then a traffic impact study will be required.

Action: Commissioner Lake motioned to conditionally approve the plan, based on the following conditions: Town Planner comments, Town Engineer comments, Frederick County comments, and ARRO Engineering comments including marked crosswalks and signage for pathways to the school property. Seconded by Commissioner Smart. Motion carried (5-0).

Middletown Fire Station #7 Final Plat: Cindy read the changes to the revised staff report. She stated that there are two deeds to the property belonging to the Middletown Volunteer Fire Department. There was an additional plat combining the two parcels, recorded in 1996, but no conformatory deed was recorded to complement the addition plat. The two existing deeds are legally binding, which govern over the addition plat. This leads to a proposal for the plat to have the parcel lines reconfigured.

Cindy commented that the final revised plat does cover all information needed for plat requirements which includes the width of Franklin Street and the location and size of water/sewer lines are indicated. Other topics reviewed:

- **FRO:** No FRO needed due to obligations met with plantings on the Primary School property.
- **Water/Sewer:** taps are already available
- **Transportation plan:** sidewalks to be provided
- **Declaration To Establish & Retain Easement:** to be executed by Frederick County
- **Minimum Building Restriction Lines:** Cindy stated that the side yard and rear yard building restriction lines are not shown on the drawing. Chairman Carney advised that building restriction lines must be on the plat.
- **Frederick County Health Department:** has been submitted for review and approval-not completed yet

Action: Commissioner Smart motioned to conditionally approve the final plat, with the following conditions: Compliance with Staff Planner comments and Frederick County Health Dept approval. Seconded by Commissioner Lake. Commissioner Goodman abstained from voting. Motion carried. (4-0-1)

IV. Zoning - None

Violations– Commissioner Lake asked Cindy if any she had any updated information on the Thompson Parking Lot. She advised that the revised plan was sent to Frederick County and is under review. Cindy sent a letter to Mr. Thompson advising him that the work must be completed by December 1, 2013 or fines will be enforced.

V. Additional Public Comment – None

Meeting adjourned at 8:24 p.m.

Respectfully submitted,

Julie Baer, Receptionist