

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

**Regular Meeting**

**December 15, 2014**

The regular meeting of the Middletown Planning Commission took place on Monday, December 15, 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), and Annette Alberghini (Recording Secretary). Others present: Don Plunkard (Frederick County Division of Public Works, Department of Highway and Facility Maintenance).

**I. PUBLIC COMMENT** – None.

**II. Regular Meeting Minutes of November 17, 2014** – Approved as submitted.

**III. PLAN Review**

**Middletown Library Storage Container Request** – (Don Plunkard was present as the representative for Frederick County Division of Public Works, Department of Highway and Facility Maintenance (applicant)) A Site Plan has been provided that shows the location of the storage container. The container (a C container) is already on site and the applicant realizes it is in violation without proper approval and is looking to correct that. The storage container is expected to be removed after the lighting upgrade in the library building is completed tentatively expected by mid to late January. The work is being done on Fridays while the library is closed. The lighting was expected to be done in conjunction with the library renovations which occurred in September 2014, but the wrong lights were delivered and the new lights did not arrive in time. The applicant is asking to keep the storage container on-site until the library lighting upgrade is complete.

- **Time Line** – The applicant was asked when the storage container was put in place. The applicant stated the container was placed on site the Friday before Labor Day (August 29, 2014). It was scheduled to be a 10 day project. The wrong lights were delivered. The library upgrade was completed before the new lights were delivered. The storage container now stores the new lights and the 2-man scissor lift used to install the new lights. There is no place within the building to store the lights, and it is cost prohibitive to transport the scissor lift to and from the site when needed.
- **Lighting Upgrade Completion** – The applicant stated they had hoped to have two crews working on the project, but to date only one crew is doing the work. With the library reopened, it is a slow process to install the new lighting as the books and shelving are in the way. They are completing one row of lights each day. The plan is to be finished by the second week in January. The applicant requests to keep the container on site until the end of January 2015. If the installation went past that time, the applicant would move the container and make other arrangements. The Staff Planner stated that C containers are approved to stay on-site until a project is complete; which generally means 60-90 days.

The Planning Commission Chairman stated he hoped the County would understand that the Town of Middletown has regulations that need to be abided by. Similar issues have arisen in the past with other county agencies. The applicant stated that they do not like putting storage containers on site, and they recognize that they are at fault.

**Action:** Commissioner Smart motioned to approve the location of the storage container until January 31, 2015 to allow completion of the project and cleanup, but any extensions beyond that date will not be considered. Seconded by Commissioner Lake. Motioned carried (5-0).

**AMVETS Site Plan Revision** – (No one was present for the applicant) This is an information update. The revised Site Plan was approved May 19, 2014. Two representatives of the architectural firm came to the Planning Commission workshop. They reported that some portions of the remodel were going to be very expensive to complete and they did not have the funds to complete everything originally approved. They are now proposing a much smaller remodel. This remodel will include reducing the amount of storage area originally proposed, installing the ADA bathrooms, and not doing some of the proposed electrical work. The representatives were reminded of their three year limit on their Site Plan for the full build out, and were asked that if they did build before that time, that they would return to the Planning Commission and report what their final build out was. The Staff Planner stated that at the workshop the applicant was also asked that when they apply for the building permit that they bring a copy of the full set of plans to the Town for filing, just like the County, so that the Town is aware of what has been completed out there.

**Action:** None taken.

**Cross Stone Commons Revised Site Plan** – (No one was present for the applicant.) This is an information update.

- **Grading Permit** - The question was raised last month regarding obtaining the grading permit for the project. The public works agreements have to be approved prior to getting the grading permit. Ahead of the public works agreements being signed, the cost estimates must be approved. Those estimates have been submitted to the Town and the County. Once cost estimates are approved, the public works agreement language is completed, reviewed and signed. Currently the applicant is awaiting the cost estimates approval, then public works agreements will be finalized and signed, and then they will be able to get their grading permit.
- **Building Permit** – The building permit for the CVS has been going through review and two agencies have a denied status in the permit system. Those agencies are Emergency Communications and Public Works. The Public Works denial is probably in relation to not having the public works agreement items in. The Staff Planner stated that the Zoning Administrator would have to be asked about the Emergency Communications denial. The Zoning Administrator is awaiting all approvals prior to giving his final approval.

**Action:** None taken.

#### IV. ZONING

##### **Zoning Code Update Sections Going to Town Board for Approval –**

- **Subdivision Regulations for Approval of Preliminary Plans** - The section entitled Subdivision of Preliminary plat of subdivision for approval states “along with consideration of the preliminary plat, which the planning commission would approve, the Town Board and the Developer shall arrive at an understanding concerning the provision of water and sewer services plus any other public improvements contemplated.” This language should be expanded for clarity so those other public improvements contemplated might include roads, public spaces etc. Similar language would also be added to the zoning code relating to site plans.
- **Zoning Code** – Design Standards – Specifically regarding site plans being approved by the Planning Commission and includes all the requirements. When reviewing that section, additional language regarding town board review of public improvements in relation to public works agreements will be added here.
- **Town Board Update Review**– The plan is to talk with the Town Board so that they understand what the Planning Commission is presenting. The Planning Commission Chairman and the Staff

Planner will then provide a presentation when the updates are scheduled for the Town Board meeting. The presentation would include what key items were reviewed, what the specific changes were made, and why. This is so the Town Board doesn't review the entire document after the Planning Commission has. The Staff Planner stated that the edits from those sections reviewed at the last Planning Commission workshop for January, February, and March, which are going to the Town Board, have been entered into both Bluebeam and the FTP site. At the Joint meeting in January, the Planning Commission will give an overview of the schedule and the plan. The Town Board will have all that information available to them beginning in January. The Town Board would approve two sections in January, four sections in February, and two sections in March. At the April joint meeting the last 3 sections can be discussed. The Planning Commission will begin reviewing the subdivision regulations in January 2015.

#### **Violations –**

- **Commercial Truck Parked on Linden Boulevard** – Ongoing violation on Linden Boulevard of a commercial truck parked on the street. Resident stated it is not a restricted vehicle because it wasn't over eight feet in height. Now there is a new commercial truck parked in the street.
- **Town Commercial Parking** - The Staff Planner reported that Burgess Miller was in discussions with the Zoning Administrator regarding trucks parking on grassy areas in the Town Commercial district and how it should be resolved. Town Commercial has no restriction for parking on grass which should be resolved for uniformity throughout the Town.
- **Scarecrow Still Displayed on East Main Street** – It was noted that there is a scarecrow still displayed on East Main Street. This scarecrow was not part of the scarecrow contest this year, but was put up during that time. It is an advertisement for an HVAC business. This issue will be forwarded to the Zoning Administrator to investigate.
- **Gas Station next to Ingalls Property** – Various multiple signs are being displayed. Some are tie wrapped to poles. The Zoning Administrator needs to address this as it relates to sign regulations within the Town Code.
- **Driver Education Service** – There is a driver education operation which provides a service out of the Fire Departments Activities Building. The Zoning Administrator has been investigating the appropriateness of this endeavor operating here. After investigating and several discussions it was determined that this was an educational service provided to the community and was deemed appropriate.

#### **V. MISCELLANEOUS –**

**Ingalls Property** – The owners usually provide a plans update February of each year. It was suggested that the Staff Planner contact them for the update information.

**Maryland Scenic Byways Planning Session** – Commissioner Smart received an email invitation regarding the Maryland Scenic Byways Planning Session scheduled for January 27, 2015 at one of the County office buildings. This is for planning along historic Route 40. All Planning Commission members and the Staff Planner should also have received this email. Commissioner Smart plans on attending.

**Next Year** – Plan for next year for the Planning Commission is to work on reviewing the subdivision regulations and from the January joint workshop receive any direction from the Town Board on items it wants the Planning Commission to pursue.

#### **VI. ADDITIONAL PUBLIC COMMENTS – None.**

**Meeting adjourned at 7:30pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary