

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

March 16, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, March 16, 2015 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners David Lake (Vice Chairman), Chris Goodman (Ex-Officio), Bob Miller, Rich Gallagher, and Dixie Eichelberger. Others present in official capacity: Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Scott Chilton (Chesapeake Bay Homes), Mark Crissman (Daft McCune Walker Inc.), Dustin Lavelle (Lavelle and Associates), Dennis Jiffas (property owner) and Brian Sheffler (town resident).

I. PUBLIC COMMENT – None.

II. Regular Meeting Minutes of January 19, 2015 – Approved as submitted.

III. PLAN Review

Overfield Carport Demolition Plan – (No one was present for the applicant.) This is a proposal to remove an existing carport at the rear of the property and then replace it with a garage. The location is 122 East Main Street. All of the requirements of Section 17.32.160 of the Town Code regarding the demolition site plan have been met. A demolition permit from the County will have to be obtained prior to the demolition. Application to the County can take place concurrent with the site plan approval process by the Planning Commission. The Planning Commission has both an aerial photograph of the carport to be demolished and a plot plan that shows the location of the carport. Letters were sent to adjacent property owners informing them of the proposed demolition, and the property has been posted. All demolitions and post demolition restoration shall be completed within ninety days of the issuance of the demolition permit unless otherwise approved by the Middletown Planning Commission. The Staff Planner stated that the applicant has submitted a request for variance to the Board of Appeals regarding setbacks for the property in relation to building the garage. The permit is on hold until the applicant receives Board of Appeal approval. That hearing is scheduled for tomorrow evening March 17, 2014 at 7pm.

Action: Commissioner Miller motioned to approve the Overfield Carport Demolition Plan as submitted. Seconded by Commissioner Gallagher. Motion carried (5-0).

Jiffas Architectural Review – duplex building – (Dennis Jiffas (the applicant) was present. Scott Chilton was present as a representative for Chesapeake Bay Homes (the builder).) The applicant proposes the construction of a duplex building at 406 West Green Street. The Planning Commission conditionally approved a site plan for a commercial office on this property in October 2008. The Planning Commission will have to rescind this approved site plan. The applicant filed a request for variance of the 22 feet from 35-foot front yard setback facing Summers Drive for the proposed duplex. The Board of Appeals granted the exception in December 2014. The proposed building is within the area defined by the Main Street Program. The Main Street Design Committee reviewed the architectural rendering and concluded that it is an appropriate building style and size that will blend in with the existing surrounding historic district.

New information was provided by the applicant after the Planning Commission workshop. A memo was sent to the Planning Commission listing the materials to be used for construction. The builder brought samples of

the roofing materials, siding materials and windows to be used for the project. A picture of what the garage doors will look like was shown. There will be no shutters used on the windows due to the building design.

The Staff Planner stated that after architectural review both a building permit and grading permit (for areas greater than 5000 square feet) will still need to be obtained.

Action: Commissioner Gallagher motioned to approve the Jiffas architectural review plans as submitted for review. Seconded by Commissioner Eichelberger. Motion carried (5-0).

Straits Dedication Plat – (Mark Crissman (Daft McCune Walker Inc.) present for the applicant.) This is to dedicate a portion of the property located at 720 East Main Street, owned by Jeffrey and Lera Straits to public use for right-of-way purposes. After discussion at the workshop last Wednesday, the revised plat was sent out to the Planning Commission members. The final revised plat shows all the required information with the corrections. Note 4 has been added to the plat which states the right of way dedication shown herein shall be to the Maryland State Highway Administration (MD SHA). The plat has been submitted to both the Frederick County Health Department and State Highway Administration for review and approval. The Town Engineer had no comments. Mr. Crissman noted that the plat will not be recorded until the improvement plans have been signed by SHA.

Action: Commissioner Miller motioned to approve the Straits Dedication Plat as submitted. Seconded by Commissioner Gallagher. Motion carried (5-0).

Cross Stone Commons Phase 2 Improvement Plans – (Mark Crissman (Daft McCune Walker Inc.) present for the applicant.) The site is to be developed with 35,357 square feet of commercial space in four separate buildings with 219 parking spaces in a two-phase approach. This set of improvements plans is for Phase 2. The Planning Commission conditionally approved the Phase 1 Improvement Plans for Cross Stone Commons on October 20, 2014. The approval was contingent upon addressing all agency comments, Town Engineer comments, and ARRO Engineering comments as the project moves forward to final signature set submission, review and approval from the Planning Commission for Phase 2, special exception recommendations from the Planning Commission and approval from the Board of Appeals if needed, architectural review and approval of buildings 2 and 4 from Planning Commission, and the 3 year deadline regarding the curb and gutter installation and landscaping for the right-turn-only entrance off Alternate 40A. The Staff Planner stated that the requirements for the temporary asphalt curbing and landscaping in the Phase 2 area of the site can be removed since the plans are coming before the Planning Commission as required. The Phase 2 plans have been submitted to the Town Engineer, ARRO Engineering, Soil Conservation District, and SHA for review. The improvement plans have been routed and reviewed by County agencies with approval or conditional approval from all agencies except for the Soil Conservation District (SCD). SCD denied approval as of last week and no information was given as to why.

- **Town Engineer Comments** – The Town Engineer has reviewed the Phase 2 Improvement Plans and identified the following: The existing water and sewer utilities already in place need to be identified on the plans. This includes a valve box and an existing sanitary sewer manhole lid. Standard Town water and sewer notes should also be added to the plans.

Action: Commissioner Miller motioned to conditionally approve the Cross Stone Commons Phase 2 Improvement Plans, conditional upon the applicant addressing all agency and Town Engineer comments as the project moves forward to final signature set submission, and the applicant shall make any needed corrections to the plans. Seconded by Commissioner Eichelberger. Motion carried (5-0).

Sheffler Special Exception for Restricted Vehicle – (Brian Sheffler (the applicant) was present.) The applicant has applied to the Town Board of Appeals for a special exception to park a restricted vehicle in the driveway or on the street in front of 9 Linden Boulevard. Section 17.44.060 of the Municipal Code requires that all applications for special exception shall be referred to the Planning Commission for a recommendation.

According to Section 17.32.150, it is unlawful to park a restricted vehicle (in the residential districts) except upon approval of a special exception by the Middletown Board of Appeals. A Board of Appeals hearing for this request has been scheduled for Tuesday, March 17, 2015. The vehicle in question is nine feet four inches high and 25 feet in length which meets the definition of a restricted vehicle in the ordinance. The vehicle in question does not meet the definition of a civil emergency vehicle as defined in Section 17.32.060.J.3 of the Municipal Code. The Zoning Administrator report states that the applicant is an electrician who is “on-call” to respond to service calls and other emergency situations for his employer’s customers after normal business hours and on weekends. This vehicle is the minimum sized vehicle needed to ensure the applicant has the necessary tools, parts and supplies to respond effectively to most electrical issues and emergencies service calls he routinely performs. The specific standards section of the Municipal Code (Section 17.48.320) states that restricted vehicles parking in residential districts are subject to site plan approval by the Planning Commission for the purpose of obtaining special exception from the Middletown Board of Appeals which at a minimum shall address screening and setbacks. The front yard setback for R-1 district is 35 feet. It appears that the distance from the dwelling to the street is approximately 53 feet. Given the length of the vehicle, if it were to park in the driveway up next to the house, it still would not be situated behind the front yard setback. Special exception approval by the Board of Appeals is granted for specific property owners for specific properties and shall not run with the land. The Staff Planner stated that the Planning Commission will be making a recommendation concerning screening and setbacks at this meeting for the Board of Appeals hearing scheduled for tomorrow evening. No screening or setbacks have been identified or proposed.

The applicant was asked how long he had resided at this address. The applicant stated he has lived at 9 Linden Boulevard for 1 year and 5 months. During that time he has had a similar vehicle parked in the driveway at that location. The Zoning Administrator stated that this was brought to his attention through 3 separate complaints regarding this violation. The applicant stated that he didn’t feel that screening would be appropriate not impossible.

Action: Commissioner Miller motioned to recommend to the Board of Appeals to deny the request for special exception. Seconded by Commissioner Gallagher. Motion carried (4-1, Commissioner Eichelberger voted against).

Putman Revised Site Plan Extension Request – The Planning Commission approved the revised site plan on April 16, 2012. Those plans are set to expire April 16, 2015. The applicant is requesting a six month extension due to the timeframe needed for County approval of the site plan improvements and building plans per their surveyor and architect for the project. The applicant plans to move forward with the project. The Staff Planner stated that the Planning Commission can grant extensions of 6 month intervals.

Action: Commissioner Gallagher motioned to grant an extension of the Putman Revise Site Plan for an additional 6 months. Seconded by Commissioner Goodman. Motion carried (5-0).

Putman Revise Improvement Plans – This is in regards to the proposed construction of an office and warehouse building for Putman Plumbing and Heating Company on the south side of Boileau Drive between South Jefferson Street and South Church Street. It is currently a vacant site. The Planning Commission approved the previous improvement plans July 20, 2009. Past concerns included the proposed retaining wall which is no longer proposed, stormwater runoff which is being addressed differently from past plans, fencing, and the proposed lighting on the property. The revised site plan, which was approved April 16, 2012, included a waiver of two parking spaces. The primary changes to the revised site plans are changes in elevation of the building, changes in the grading on site and a change in the type of stormwater management being proposed. All references to the proposed grass channel and filterra system have been removed. The revised site plans do not include the retaining wall and fencing shown on prior plans. The stormwater management system for the revised plans include a dry swale, a grass swale, and a gravel trench drywell, which will be reviewed by the Frederick County Development Review office (no comments as of yet). The proposed light pole at the rear of the building is now 10 feet in height instead of 18 feet in height. The proposed signage has not changed. The Planning Commission granted a waiver of 2 parking spaces on November 17, 2008 from the required 10 parking spaces. Eight proposed

parking spaces are shown on the plans. ARRO Engineering recommended that the parking space dimensions should be placed on the plans. General Construction Note #7 (Sheet1) has been revised to state that stormwater management will be provided in accordance with the Maryland 2007 Stormwater Management Design Manual.

- **Town Engineer Comments** – The Town Engineer has reviewed the revised improvement plans and has the following recommendations:
 1. **Sheet 1** – Revise the “Profile Proposed WHC and SHC”. Remove the word propose from the lateral and service. The WHC and SHC were installed in 2011 and terminate with a cleanout or curbstop. The SS Monitoring Manhole and Water Meter will be provided and installed by the developer.
 2. **Sheet 2** – Revise the plan to indicate the locations of the monitoring manhole and water meter are proposed. Provide details of both as well as S-6, S-1, S-2, and W-7 on the plans. Show existing grades on the plan sheet. The Town has concerns for the change in grading of the parking drive areas. Previous approved plans included grades of a majority of 4% and the revised plan includes a majority of 10% and some 5% grades. This will cause a significant change in velocity of water leaving the paved area with no proposed erosion protection. The Town Engineer reserves further comment until Frederick County Development review has commented on the Stormwater management submittal.

Action: Commissioner Gallagher motioned to conditionally approve the Putman Revised Improvement Plans conditional upon the applicant addressing all agency comments as the project moves forward to final signature set submission, the applicant shall address all comments by the Town Engineer, Bruce Carbaugh, and ARRO Engineering as the project moves forward to final signature set submission, and the applicant shall make any needed corrections to the plans per Staff comments. Seconded by Commissioner Goodman. Motion carried (5-0)

IV. ZONING

No report. The Zoning Administrator had sent his report to the Planning Commission members earlier in the month.

V. MISCELLANEOUS –

Annual Report Draft – The Staff Planner is working on the annual report and will have it for the Planning Commission at April’s workshop.

Joint Town Board/Planning Commission Meeting – The Staff Planner reminded the Planning Commission members that the next joint meeting of the Town Board and Planning Commission is scheduled for Monday, April 6, 2015 at 6:30pm. If any members have ideas for the agenda please submit them to the Staff Planner or Chairman Carney.

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 7:50pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary