

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

**Regular Meeting**

**May 18, 2015**

The regular meeting of the Middletown Planning Commission took place on Monday, May 18, 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), John Miller (Burgess), Cindy Unangst (Staff Planner), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Rich Thometz (Hailey Development L.C.), and Mike Fitzgerald (Hailey Development L.C.).

**I. PUBLIC COMMENT** – None.

**II. Regular Meeting Minutes of April 20, 2015** – Approved as submitted.

**III. PLAN Review**

**Coblentz HOA Document** – (Rich Thometz and Mike Fitzgerald were present as representatives for Hailey Development, L.C. (the developer).) The HOA document was revised due to changes from the planning commission workshop and additional questions.

- **Parking and Storage** – Given the lot sizes, easements for stormwater management facilities, and the Town’s requirements for the location of sheds, staff is concerned about the approval of sheds for the property owners storage needs. Town code states minimum setbacks for accessory structures is six (6) feet in residential districts, though the master plan for this development states that the accessory structure setback will be three (3) feet. Section 8.02.(u) was deleted from the document and the following sections were retitled as needed.
- **Setbacks** – Discussion concerning setbacks with neotraditional residential (NTR) developments occurred. Town code requires twenty (20) foot setbacks for back yards in the NTR district. Those lots which will have rear alley access to their garages (along East Green Street) will have eighteen (18) feet setbacks. The staff planner will review the setbacks to see if it applies to the whole development or just the overlay district.
- **Parking of RV’s** – Additional language was added to Section 8.02.(d) to include recreational vehicles RV’s, campers etc..
- **Recycling Containers** – Additional language was added to Section 8.02.(e) to include recycling containers.
- **Easement Interference** – Additional language was added to Section 8.02.(j) to include soil.
- **References to “Middletown”** – All references to the Town have been changed to “Town of Middletown” instead of just “Middletown”.
- **House and Lot Sizes and Variances** – It was determined that the Middletown Board of Appeals will handle any requests for variances for decks.
- **Dissolution of HOA** – There is concern of what will happen to the common areas, storm water management areas etc. if the HOA were to cease to exist. The Town is not interested in taking over management of those areas/facilities. Currently the document does not put the responsibility on the Town. The developers have struck the dissolution clause from the articles of incorporation, but Burgess Miller suggested that the language remain.

- **Storm Water Management Structures and Parcel H** – Discussion on the future use of Parcel H, “the library parcel”, occurred. Additional language was added to the HOA document so that the HOA could not impede the development of that parcel in the future. Additional language was also added so the storm water management facilities could be modified, if needed, for the future development of that parcel.

**Action:** Commissioner Lake motioned to approve the modification to the HOA document with the incorporation of staff comments and recommendations and edits received after the planning commission workshop. Seconded by Commissioner Miller.

- Commissioner Smart stated a concern that there is no record of approval of the HOA document by the Town Board. Chairman Carney stated that all issues the Planning Commission identified have been addressed. The Town Board will address any issues it may identify.

Motion carried (5-0)

#### **IV. ZONING**

**Sheffler Reconsideration Letter to BOA** – The Planning Commission reviewed the drafted letter to the Middletown Board of Appeals requesting reconsideration of their decision on the Sheffler restricted vehicle special exception request granted at the hearing held March 17, 2015. The revisions to the letter after the Planning Commission workshop included referencing the three (3) emails from the Town Attorney to the Staff Planner, and adding contacting the Zoning Administrator for any questions. The Planning Commission chairman will sign the letter once it is printed on Town letterhead. Copies of the signed letter and included attachments will be emailed to Planning Commission members, Board of Appeal members, the Staff Planner, and the Zoning Administrator. Registered mail copies will be sent to the Board of Appeal members, Mr. Sheffler, and other residents present at the Board of Appeals meeting March 17, 2015. It was suggested that the Town Board members also receive an emailed copy so they are aware of the situation.

**Action:** Commissioner Smart motioned to approve the letter, and its attachments, to the Middletown Board of Appeals from the Planning Commission requesting reconsideration of its decision on the Sheffler restricted vehicle special exception request granted at the hearing held March 17, 2015, with the addition of Town Board members as recipients. Seconded by Commissioner Miller. Motion carried (5-0).

#### **V. MISCELLANEOUS –**

**Hollow Creek Golf Club** – The Zoning Administrator reported that he has been in contact with the new owners of Hollow Creek Golf Course. They are interested in opening a golf academy with residential type dormitories for attendees. The Zoning Administrator is providing a written opinion as to whether it is a permitted use or permitted with special exception within an open space district. The club house and maintenance facilities for that property are zoned commercial.

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

**Meeting adjourned at 7:47pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary