



# Middletown

## VIRTUAL MEETING AGENDA FOR THE TOWN WORKSHOP

October 1, 2020

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

### PERSONAL REQUESTS FOR AGENDA:

- *Taryn Dixon & Chris DeJuneas – Dude Solutions – Software for Asset Management*

### STAFF REPORTS:

#### Staff Planner

Engineer's Report

#### Main Street Manager

#### Zoning Administrator

### CONSENT AGENDA

- Town Meeting Minutes
  - September 3, 2020 – Town Workshop <sup>1</sup>
  - September 14, 2020 – Town Meeting <sup>1</sup>

### UNFINISHED BUSINESS:

- Survey Questions for Off-Site Sale of Liquor in Town Limits <sup>1</sup>
- Discussion of Making Temporary Reservoir Road Permanent <sup>2</sup>
- Downtown Revitalization Zone – Task Force Update <sup>2</sup>
- Comprehensive Plan – Chapter Review <sup>5</sup>

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# Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

## **NEW BUSINESS:**

- [Proclamation for Business Appreciation Week – October 5-9, 2020](#)<sup>1</sup>
- Discussion of Special Election for Vacancy on the Town Board<sup>1</sup>
- [2019 Water Capacity Plan](#)<sup>1</sup>
- [2019 Wastewater Capacity Plan](#)<sup>1</sup>

## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *Please Complete Your Census Information*
- *Tree Planting Event – Friday, October 16, 2020 at 9:30AM at North Pointe Subdivision Entrance*
- *Middletown's 13<sup>th</sup> Annual Scarecrow Contest – Saturday, October 17, 2020*

## **ADJOURNMENT**

### **Zoom Invitation Information:**

***Topic: Town Workshop - October***

***Time: Oct 1, 2020 07:00 PM Eastern Time (US and Canada)***

#### ***Join Zoom Meeting***

***<https://us02web.zoom.us/j/82454168825?pwd=cEhCd1lrNy92MGRpckZFVWNXMHpjQT09>***

***Meeting ID: 824 5416 8825***

***Passcode: 656097***

***One tap mobile***

***+13017158592,,82454168825#,,,,,0#,,656097# US (Germantown)***

***+19292056099,,82454168825#,,,,,0#,,656097# US (New York)***

***Dial by your location***

***+1 301 715 8592 US (Germantown)***

***+1 929 205 6099 US (New York)***

***+1 312 626 6799 US (Chicago)***

***+1 346 248 7799 US (Houston)***

***+1 669 900 6833 US (San Jose)***

***+1 253 215 8782 US (Tacoma)***

***Meeting ID: 824 5416 8825***

***Passcode: 656097***

***Find your local number: <https://us02web.zoom.us/j/82454168825>***

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**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/28/2020

RE: Monthly Planning Update – October

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**Major Subdivisions:**

**Foxfield Section 6 (Coblentz Road)** – Active-adult special exception use recommended approval by PC to BOA – January 21, 2020; Board of Appeals approved special exception use – August 31, 2020

**Site Plans, Plats and Minor Subdivisions:**

**Caroline’s View/Horman Apartments (East Green Street)**- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)  
Revised Improvement Plan mylars signed – July 21, 2017

**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Cross Stone Commons (Middletown Parkway)** – Revised Site Plan conditionally approved – 10/20/14

Improvement Plan mylars signed – November 6, 2015  
FRO plantings completed – December 23, 2019

**Next step – submittal of architectural renderings for building #2 for review/approval**

**Hollow Creek Professional Center (Alt. 40A)**– Forest Stand Delineation approved – April 16, 2018

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)  
Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019  
Board of Appeals approved self-storage use – February 26, 2020 (Expires Feb. 26, 2021)  
Architectural renderings approved by PC – June 15, 2020

**Next step – submission of FFCP and Improvement plans for PC review**

**Franklin Commons (Franklin Street) -**

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)  
BOA approved height variance request – July 12, 2018 (BOA approval expired July 12, 2019)  
**BOA variance request submitted July 27, 2020**

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

**Next step – Board of Appeals hearing for height variance request – Sept. 30th, then submittal of letter of credit and signing of PWA’s**

**Jiffas (Summers Drive)** – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Architectural plans approved by PC for duplex – March 16, 2015  
BOA approval for variance requests for duplex – March 29, 2016 (Expired March 29, 2017)

**Next step – apply for variance requests for siting of duplex building**

**Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020**

**Middletown Water Storage Tank (Ashky Ct.) –**

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire July 15, 2022)

**Miller Property (East Main Street) – Phase III Revised Site plan approved by PC – June 17, 2019**

Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019

**Next step – submittal of Phase IV site plan for review and approval**

**Richland Driving Range (Glenbrook Drive)– Concept plan reviewed by PC – January 18, 2016**

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Improvement Plans reviewed and tabled by PC – September 17, 2018

**Next step – submittal of improvement plans for review and approval**

**School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed & approved by Town Board – May 8, 2017 (informed June 2017 funding was not approved for project)**

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

**St. Thomas More Academy Site Plan revision (Prospect St) –**

**Revised site plan approved – September 21, 2020 (Expires September 21, 2023)**

Revised site plan to be revisited in five years – September 2025

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

**Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017**

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

**Text Amendments: Liquor store text amendment inquiries**

**Temporary sign regulations – Cindy will be working on this with town attorney**

**Reports:**

**Grants: MESC grant application deadline – November 13th**

**Meetings: Next Middletown Green Team Meeting – October 20, 2020**

**Next Joint town board/planning commission workshop – October 5, 2020**

# MAIN STREET MIDDLETOWN

TO: The Burgess and Commissioners  
FROM: Becky Axilbund, Main Street Manager  
RE: October Workshop Report  
DATE: September 30, 2020

## **UPCOMING DATES:**

Friday, October 16, 2020 – Business Mixer – Business Partner of the Year  
Friday, October 16, 2020 – Ribbon Cutting – immediately following Business Mixer!  
Saturday, October 17, 2020 – Scarecrows March Down Main  
Monday, October 19 – Vacation

## **ORGANIZATION:**

- The Main Street Board of Trustees is still in negotiations with one firm to begin the rehabilitation work on 19 West Main. The first phase of construction is to complete the foundation work. We have the funds to proceed with this phase. What we are still trying to determine is the start date.
- Grants – with COVID, the grant cycles got switched around, and normally this is not a time of year for me to write grants, but within 30-days, I have five grants to write, two are now done, but three are still left. Please see the grant chart below for more information on the applications and projects.

## **ECONOMIC DEVELOPMENT COMMITTEE:**

- The last Main Street Business Mixer was hosted by Tapias on Main on their front porch. It was great to see folks and have an in-person meeting in a place that we could comfortably gather and maintain social distancing.
- I made a presentation to the Maryland Economic Development Association's Fall Conference last week. The topic was along the lines, of why visit Middletown and what have we done/are doing, to address the pandemic.
- This month is the Frederick County Office of Economic Development's Business Appreciation Week. I am part of an Ambassador's Team and we will be visiting via Zoom two of Middletown's Legacy Businesses – Gladhill Furniture and Middletown Valley Bank.

- Main Street Middletown has for the last 5-years awarded their Business Partner of the Year during Business Appreciation Week. This year, we plan to announce at the October Business Mixer, scheduled for Friday, October 16<sup>th</sup> at 8:30am.

#### **PROMOTIONS:**

- Meet Me on Main is finally here! This is the first of our Meet Me on Main videos that “premiered” today on our Facebook page and our website. In addition, we have written a blog about Jennifer Riley – as an introduction to her business and to her. Over the course of the year (and beyond), we will be able to capture these personal stories that make doing business with your favorite local business feel even better!
- We are continuing our digital advertising campaign this month to target surrounding counties to encourage visitors to Middletown.
- We will participate in the Frederick News Post’s Best of the Best campaign. This contest starts up in mid September, and the first round of voting has been completed.
- Work is underway on our new website as the final piece of our grant-funded branding project. The new website is on schedule to be released in late October. I am meeting with the website designer and our grant-funded photographer. The grant funded photographer will take photos of downtown and action shots of all of our businesses. This could also be seen as another way Main Street is working to support our businesses. With businesses moving more and more to the online experiences, having these photos will be a benefit.
- Scarecrows – Saturday, October 17 – we are excited to have our own scarecrow in the mix, and excited to help promote this event!
- Christmas in the Valley goes Virtual!! Main Street Middletown, Zion Lutheran Church, the Volunteer Fire Department are all working with Commissioner Falcinelli to duplicate this event virtually and still encourage downtown business shopping. We would like to continue to have some Santa Sacks to hand out with business information/coupons/discounts/specials. Instead of handing them out at one event, it could be for a set period of days.

#### **DESIGN:**

- **ART ON MAIN** – it is here! It has lived in my staff reports for about a year, but finally, we have the art installed on September 29<sup>th</sup>! We are super excited to have this up and feel that many people will love seeing this as well as the Scarecrows!



**GRANTS:**

	<b>Purpose/Project</b>	<b>Amount Awarded</b>	<b>Amt Left to Spend</b>
<b>Grants in Progress</b>			
Community Legacy Grant FY 2018	Façade Improvement	50K	200 West Main 100-104 West Main
Community Legacy Grant FY 2019	Façade Improvement	\$15K	1 West Main There may be some funds remaining for a small project
Community Legacy Grant FY 2020	\$50,000	For Building Rehab at 19 West Main	\$50,000
OAG-FY 2020	Christmas Decorations website collateral	\$12,900 – these were original grant funds that we did not convert.	\$800 left for Christmas Decorations that we need to spend before June 30, 2021.
<b>Repurposed Grants</b>			
MD Heritage Area Grant – Repurposed	For Main Street Building	Converted to non-restricted operating funds	\$11,000

OAG-FY 2019 Repurposed	Digital Ads with WDVm; Business Mixers; Signage & Operating Costs	\$11,731.70 restricted funds in the budget.	\$265 spent on signage \$300 Left For Business Retention
OAG-FY 2020 Repurposed	Local Ad placements Scanner Public Art Project	\$6100 – restricted funds in the budget	FUNDS SPENT except for the public art project.
<b>New Grants</b>			
OAG-FY 2021 Technical Assistance Grant	Requested 20K for Photography and Videography	\$15,000 Awarded!	<b>Awarded to Turner Photography</b>
NonProfit Recovery Initiative Grant	\$3000 for website \$3000 for computer \$2000 for cleaning \$2000 Business Retention Activities	\$10,000 awarded	Computer purchased!
<b>Tax Credit</b>			
Community Investment Tax Credits	Provides donors a State Tax Credit	\$10,000	\$9000
<b>Applications in Process</b>			
Community Foundation Grant	Capital Funds for the Main Street building	\$5000	Due September 15
TRIPP Advertising Grant	Advertising Expenses	TBA	Due September 25
Community Legacy Grants – For the Town	Improvements on Garage Alley	Requesting \$51,000	Due October 16
Community Legacy Grants – For Main Street	For the Rehabilitation of 19 West Main Street	Requesting \$185,000	Due October 16
Community Legacy Grants – Façade Improvement Program	For Multiple Properties	Requesting \$15-100k?	Due October 16

***Thank you for your continued support and partnership  
with Main Street Middletown!***



**Town of Middletown**  
**Zoning Administrator Monthly Staff Report**

**To:** Burgess and Commissioners

**From:** Mark Hinkle, Zoning Administrator

**Date:** September 30, 2020

**RE:** Monthly Zoning Administrator Staff Report for September 2020

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***BOA Hearings: Case MT-B-20-4 (Franklin Commons) and MT-B-20-5 (Swimming pool) to be held virtually on September 30, 2020.***

***Storage Container & Dumpster Permit:*** None

***Home Occupation Permit:*** None

***Zoning Violations and Complaints:***

- 1/14/2019 – 819 East Main Street, BB &T bank – Complaint received about unscreened dumpster, investigated and sent letter. Spoke with branch manager and agreed to allow them an extra 30 days so they can deal with their headquarters in North Carolina. The dumpster became obvious once the property next to them was cleared. Spoke with construction company and advised them what would be needed to be properly screened. ***Plan being submitted to headquarters in North Carolina to correct issue. On hold due to Parking lot realignment efforts. Spoke with facilities maintenance 10/7/2019 and they are waiting on a decision on the lot realignment before moving forward***
- 4/24/2019 – 5 East Main Street, Subway – Deteriorating signpost and signage for business no longer on site, letter sent, spoke with owner. Subway will be assigning a new Franchisee in the next 6 months and they plan on renovating and improving the building and signage at that time. ***Working toward renovation of building and signage at same time. 7/15/2020 reached out again to check status of project and updates, no response.***
- 10/23/19- 121-125 W. Main St.-Work without a permit. Sent letter to owner and contacted Frederick County. Stop work order issued by Frederick County. Owner filed for Zoning Certificate but has not applied for permit. Owner is also meeting with Planning Commission to discuss changes to property. County still has not received

Zoning Certificate to begin permit process. County has approved renovations. ***Project was approved for two main level business suites, two second floor apartments. Project will go through Planning Commission process to proceed with two third floor apartments. Permits have been issued, case can be closed***

***Miscellaneous:***

- Letter sent to owner of Franklin Commons to submit all required paperwork by January 15, 2020 to comply with decision by Board of Appeals. We did not receive the required information. Certified letter sent to owner to let them know that their past decision has expired and that they would need to file for the case to be re-heard before they can move forward. ***7/22/2020 Received paperwork for Board of Appeals application, hearing scheduled for September 30<sup>th</sup>.***
- Communication with the management company for the HoA at Middletown Glen, the issue remains that the HoA wants me to approve zoning certificates for swimming pools before they will approve, I stated my preference is that the HoA approves first so that the applicant is not wasting money and staff time if the pool does not meet the HoA guidelines. Still a work in progress.
- Working with LDS regarding a new sign however the sign does not meet the guidelines set forth in Town code.

***Permits:***

<i>September 2020 Zoning Certificates</i>	<i>Address</i>	<i>Permit #</i>	<i>M-town Received</i>	<i>M. Hinkle Approved</i>	<i>County Approval</i>
Sousa-Fence	303 Ingalls Dr.	Town	8/30/2020	9/1/2020	No
Carter-Fence	15 Young Branch Dr.	Town	9/2/2020	9/2/2020	No
Prescott-Interior room	12 Larch Ln.	297656	9/8/2020	9/8/2020	Yes
Lowe-Pool	212 Layla Dr.	300662	6/4/2020	9/8/2020	Yes
Manson-Shed	118 Miriam Pass	300790	9/8/2020	9/8/2020	Yes
Lynn-Interior renovations	211 Rod Circle.	300887	9/8/2020	9/8/2020	Yes
Duley-Porch	12 Knollside Ln.	296339	8/21/2020	9/8/2020	Yes
Tamagna-POD	217 E. Main St.	Town	9/10/2020	9/10/2020	No
Tostenson-Fence	7 Eastern Cir.	Town	9/11/2020	9/11/2020	No
Stultz-Fence	91 E. Green St.	Town	9/11/2020	9/11/2020	No
Amati-Fence	65 Boileau Ct.	Town	9/24/2020	9/25/2020	No
Axline-Fence and shed	714 E. Main St.	Town	9/28/2020	9/28/2020	No
Harkins-Fence	310 Ingalls Dr.	Town	8/13/2020	9/30/2020	No

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN WORKSHOP MEETING MINUTES

### WORKSHOP MEETING

September 3, 2020

The virtual workshop meeting of the Burgess and Commissioners of Middletown was called to order on September 3, 2020, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

### PUBLIC HEARING

**Ordinance 20-08-01 – Building Height Definition Amendment** – The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town. The Burgess and Commissioners approved of the changes which deletes references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six (36) feet instead of thirty-five feet which is presently the limit in most districts. Thirty-six feet was suggested so the need for variances from the Board of Appeals is decreased. The building height and story definitions used by Frederick City are proposed to be used instead of the Town Code's current definitions. In light of the meeting that Burgess Miller had with a potential developer regarding the redevelopment of Memorial Hall, the Staff Planner provided two options for allowing taller buildings in the downtown area by Code; that is, buildings taller than the currently proposed 36 feet which would mitigate applicants having to go in front of the Board of Appeals for an exception.

1. Add a new section to the Code that would address commercial buildings in older sections of Town similar to Section 17.32.190 – Modifications to yard requirements in areas of older residential developments.

**Example:** Height Modifications for Existing Buildings. When appropriate, the planning commission may approve an increase in height of the building, in excess of 36 feet, to allow for renovations in conformance with the best use of the property.

2. Add a downtown revitalization zone to the Code which would treat those properties differently than other areas of Town, such as allowing for taller buildings over 36 feet and allowing for an increase in the footprint of existing buildings.

**Example:** The purpose of the Downtown Revitalization Zone is to promote the use and reuse of existing structures in the Downtown area as designated on the Comprehensive Plan and Zoning Map. An addition of up to 25% of the existing ground floor building footprint will be permitted to an existing structure that remains on the property as the principal structure. Additions which result in increased height of the existing structure shall be permitted subject to site plan review by the planning commission.

There is not enough time before the next Town Board meeting to develop the idea of a downtown revitalization zone. The Planning Commission would need to be involved to review the language. The process would take 2-3 months. The Main Street Program Manager suggested adding historic preservation as part of the discussion as well, to make ensure other measures are in place to preserve

important characteristics of the structures but also allowing development. Details and criteria need to be developed as this potential downtown revitalization zone would affect every other building in the district. Commissioner LaPadula suggested the inclusion of expedited hearings and reviews as part of this process.

Commissioner Falcinelli suggested the formation of a workgroup which would address the issues facing these types of properties and a potential overlay zone. The workgroup, at a minimum, would be chaired by Commissioner Falcinelli and include the Staff Planner, the Main Street Program Manager, and members of the Planning Commission.

The public hearing adjourned at 7:31pm.

#### **PERSONAL REQUESTS FOR AGENDA:**

*Doug Hutzell – Frederick, Seibert & Associates, Inc. – Wiles Branch Park Stream Bank Restoration - History:* This project would assist the Town in completing credits towards Maryland's MS4 requirements. MS4 requires towns to decrease their impervious areas within a town by up to 20%. There is a list of things towns can do to mitigate their impervious surface amounts. This stream restoration project would be completed in multiple phases with the end goal of improving stormwater management quality and water quality of Wiles Branch. This project would meet all MS4-2025 requirements and identify and resolve other issues along the creek bed. The survey and design proposal would investigate the stream area and assist in identifying areas to address. At the last Town Board meeting it was asked if the cost would be less if the engineers only surveyed the creek up to and stopping short of the wastewater treatment plant. At that same meeting it was suggested that the entire area be surveyed and reviewed, including the wastewater treatment plant. Then it can be determined which items will be included with the stream restoration and which items would be included as part of the new wastewater treatment plant. There are normally State and Federal monies available to offset some of the costs of construction of water treatment facilities. The Town Board requested to have the engineers revise the design estimate and include only the creek leading up to the wastewater treatment plant. They were also asked to attend tonight's Town Workshop.

Doug Hartzell of Frederick, Seibert & Associates was present for the meeting. He has had the opportunity to walk the identified area of the stream and was asked to give his educated opinion. The water shed is approximately 1.22 miles. There is much erosion and down cutting along the banks along the walking trail and near the sewer line. Work needs to be done to stabilize the banks and protect Town infrastructures, if not now definitely soon. The flows in the creek are increasing and storms coming through the area are becoming more intense. This increases the erosion going on. Mr. Hartzell recommends surveying the entire project and then breaking it down in to phases to manage construction costs.

The Director of Public Works was surprised the Town Board was investigating splitting the survey and design in to two pieces. He stated if the engineering is completed now it becomes a project of record with a permit. This permit can be modified as needed in the future to address completing the project in phases. The Town will have to identify the location of the new wastewater treatment plant. It would move upstream 50 feet maximum from its current location. There are limited locations that it can be placed. He recommended the engineers design the whole thing rather than piecemealing it.

This will be an item on the September 14th Town Board Meeting.

#### **STAFF REPORTS:**

**Deputy Report** – A Deputy report was provided to the Burgess and Commissioners prior to the meeting. No Deputy was present to review.

**Staff Planner Report** – Cindy reviewed her report.

**Engineer’s Report** – Bruce reviewed his report.

**Main Street Manager Report** – Becky reviewed her report.

**Zoning Administrator’s Report** – No report given.

#### **CONSENT AGENDA:**

- **Budget Amendment 21-01** – This is for the reallocation of funds for additional costs for the Community Deputy Program. The contract was \$6,162.00 more than budgeted for. The Town was notified that Highway User Revenue funds for Middletown for FY2021 were increased an additional \$25,643.44. This will cover the cost of the Community Deputy Program contract increase. This item will be reviewed at the September 14<sup>th</sup> Town Board meeting.
- **Town Meeting Minutes**
  - *August 24, 2020 – Town Meeting*

#### **UNFINISHED BUSINESS:**

**Discussion of Off-Site Sale of Liquor** – Several parties are interested in the liquor license still available in the Middletown district. A survey for town residents will be developed to see if there is any interest in having the Town further pursue off-site liquor sales within town limits. Several years ago, there was a draft text amendment developed that would allow liquor sales as a special exception in commercial districts. One of its criteria was that liquor sales could not occur within 1000 feet of a residential area, house of worship, or school property. This limits the location to the Safeway shopping center, Cross Stone Commons, or the Dowd property. The Town Administrator is researching the referendum question voted down several years ago. If town residents want off-site liquor sales within town limits a text amendment would have to be created, a public hearing held, and once approved the licensing would be handled by the Liquor Board.

**Comprehensive Plan – Chapter Review** - The Town Board was provided draft copies of Chapters 3 and 4 of the 2020 Comprehensive Plan to begin reviewing. The Staff Planner reviewed the changes and updates proposed. Burgess Miller recommended that the Town utilize its social media outlets to remind residents that their input is important in the process. A Comp Plan survey will be available to residents for feedback after the next Planning Commission Workshop. Once active/live, it will be accessed through the town website through the end of October. Town Board members were previously emailed a copy for review. Again, any comments or suggestions on these chapters or the survey please get them to the Town Planner.

#### **NEW BUSINESS:**

**September is National Recovery Month** – This is a grass roots initiative within the county to reduce substance abuse related deaths and overdoses and supports those in addiction recovery and their families. This observance will occur during the month of September (National Recovery Month). The purple light bulbs will be installed at the Municipal Center. Everyone is encouraged to wear purple every Friday to bring awareness and understanding of mental health and substance abuse disorders, and to celebrate those living in recovery.

**Changes to the Town’s Water & Sewer Billing Policy** – With the Covid State of Emergency in effect and knowing that families have been impacted by this epidemic the Water & Sewer Standing Committee wanted to address the issue of those water/sewer accounts which will have large balances once the state of emergency is lifted. The committee recommends having minimum requirements in place prior to the state of emergency being lifted. They suggested that at a minimum a monthly payment must be paid by the resident and that any payment plan granted must be paid in full within a year.

**Covid Procedures for Outstanding Water & Sewer Bill Balances** – The Water & Sewer Standing Committee provided a draft set of procedures for accounts with outstanding balances over 90 days related to the Governor’s prohibition on Water Service Disconnections for the Town Board to review. A draft payment plan agreement for residents was also provided for review and comment. This will be an agenda item on the September 14<sup>th</sup> Town Board Meeting.

**PUBLIC COMMENTS:** None.

**ANNOUNCEMENTS:**

- *Please Complete Your Census Information – Middletown is currently at 85.2% for self-completion. Census workers are now visiting residences to assist with the census completion.*
- *Middletown Valley Ministerium Community Day of Service – September 12, 2020. It will be a town clean-up day instead of helping neighbors with personal home projects. Currently there are 77 volunteers registered. More volunteers are always welcome. Volunteers will meet at Holy Family Community at 9am on the 12<sup>th</sup> for their supplies and then proceed to their zones to begin their work.*

Workshop adjourned at 9:08 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN WORKSHOP MEETING MINUTES VIRTUAL MEETING

### REGULAR MEETING

September 14, 2020

The virtual regular meeting of the Burgess and Commissioners of Middletown was called to order on September 14, 2020, by Burgess Miller at 7:00 p.m. Present were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

### PERSONAL REQUESTS FOR AGENDA:

**Sheriff Charles Jenkins – Community Deputy Program** – Sheriff Jenkins to provide updates on both the shooting incident at Memorial Park and the Community Deputy Program.

- **Memorial Park Shooting Update** – Sheriff Jenkins wants to reassure the Town Board and the public that this incident is still an active priority investigation. He has spoken with the affected family on several occasions. The scope of the investigation has been narrowed to a residence of interest close to the park. The Sheriff's Office is looking to post a \$2000.00 reward for information. Commissioner Falcinelli asked what the protocol is regarding information to disseminate when incidents like this occur. There was much community angst and speculative information put forth on social media immediately after the shooting occurred. Sheriff Jenkins stated that the protocol is that the investigators provide information to the Public Information Officer who then disseminates information via press releases to the Town and social media. He stated that the Sheriff's Office could have done a better job notifying the public when this occurred.
- **Community Deputy Program** – Sheriff Jenkins asked for the Town Board's feedback on how the Community Deputies are doing. The Town is satisfied with the deputies. With Covid, the deputies were initially instructed to make traffic stops but limit exposure. Calls for service did decrease initially but are beginning to increase in number. There is new leadership for the Community Deputy Program. Sgt. Trevor Hajjar is now supervising the program. Cpl. Welsh is assisting.

### CONSENT AGENDA:

- **Budget Amendment 21-01** - This is for the reallocation of funds for additional costs for the Community Deputy Program. The contract was \$6,162.00 more than budgeted for. The Town was notified that Highway User Revenue funds for Middletown for FY2021 were increased an additional \$25,643.44. This will cover the cost of the Community Deputy Program contract increase.

**Motion:** Commissioner Falcinelli motioned to approve Budget Amendment 21-01 as presented. Seconded by Commissioner Dietrick. Motion carried 5-0.

- **Town Meeting Minutes**

- *August 24, 2020 – Town Meeting*

**Motion:** Motion by Commissioner Falcinelli to approve the consent agenda as presented, seconded by Commissioner LaPadula. Motion carried 5-0.

### UNFINISHED BUSINESS:

**Ordinance 20-08-01 – Building Height Definition Amendment** – The Burgess and Commissioners approved of the changes which deletes references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six (36) feet instead of thirty-five feet which is presently the limit in most districts. Thirty-six feet was suggested so the need for variances from the Board of Appeals is decreased. The building height and story definitions used by Frederick City are proposed to be used instead of the Town Code’s current definitions. A public hearing was held on September 3, 2020. Commissioner LaPadula asked if there were any concerns with the Downtown Revitalization Zone and building heights at this time. The Board of Appeals would handle request for building height variance on a case by case basis.

**Motion:** Motion by Commissioner Falcinelli to approve Ordinance #20-08-01- Building Height Definition Amendment as presented, seconded by Commissioner Goodman. Motion carried 5-0.

**Wiles Branch Park Stream Restoration – Design Contract** – This project would assist the Town in completing credits towards Maryland’s MS4 requirements. MS4 requires towns to decrease their impervious areas within a town by up to 20%. There is a list of things towns can do to mitigate their impervious surface amounts. This stream restoration project would be completed in multiple phases with the end goal of improving stormwater management quality and water quality of Wiles Branch. This project would meet all MS4-2025 requirements and identify and resolve other issues along the creek bed. The survey and design proposal would investigate the stream area and assist in identifying areas to address. At the last Town Board meeting it was asked if the cost would be less if the engineers only surveyed the creek up to and stopping short of the wastewater treatment plant. At that same meeting it was suggested that the entire area be surveyed and reviewed, including the wastewater treatment plant. Then it can be determined which items will be included with the stream restoration and which items would be included as part of the new wastewater treatment plant. There are normally State and Federal monies available to offset some of the costs of construction of water treatment facilities. At the September Town Board Workshop, the design engineer recommended surveying the entire project and then breaking it down into phases to manage construction costs. He noted that there is much erosion and down cutting along the banks along the walking trail and near the sewer line. The Director of Public Works stated if the engineering is completed now it becomes a project of record with a permit. This permit can be modified as needed in the future to address completing the project in phases. The Town will have to identify the location of the new wastewater treatment plant. It would move upstream 50 feet maximum from its current location. There are limited locations that it can be placed. He recommended the engineers design the whole thing rather than piecemealing it.

**Motion:** Motion by Commissioner Falcinelli to award the design contract for the Wiles Branch Park Stream Restoration in the amount of \$41,452.00 to Frederick, Seibert and Associates as presented, seconded by Commissioner Goodman. Motion carried 5-0.

**Discussion of Off-Site Sale of Liquor** – Several parties are interested in the liquor license still available in the Middletown district. Several years ago, there was a draft text amendment developed that would allow liquor sales as a special exception in commercial districts. One of its criteria was that liquor sales could not occur within 1000 feet of a residential area, house of worship, or school property. This limits the location to the Safeway shopping center, Cross Stone Commons, or the Dowd property. A survey question regarding town resident’s interest in off-site liquor sales within town limits will be activated before the end of this week for residents to complete. If town residents want off-site liquor sales within town limits a text amendment would have to be created, a public hearing held, and once approved the licensing would be handled by the Liquor Board.

Bob Smart, 7525 Coblenz Road, suggested publishing a map which identifies where within town limits an off-site liquor store could be located.

Discussion concerning the sale of the property now known as Cross Stone Commons had included statements within the property sales contract prohibiting a liquor store opening on that property. These statements are not included in the deed that was executed. It was asked if it was enforceable at this time. Noel Manalo, Miles and Stockbridge PC, stated that "Doctrine of Merger" is in effect, which is anything agreed upon in the contract but not included in the deed once executed is no longer enforceable. For clarification on the liquor license: The Town determines if off-site liquor sales are permitted within town limits. Frederick County Liquor Board determines who gets the license.

**Review of Preliminary Design for Washington Street** – This project will provide a safe walking path along Washington Street from the Elm Street parking lot to the downtown core. It includes replacing all curb, gutter, sidewalks, lighting and replacing the asphalt. There will be some storm drain improvements. The Town Board met with the Town Engineer prior to the September workshop at the Washington Street site to review the project. At that time, the Town Board suggested that the sidewalk from Jefferson Village tie in with the end of Washington Street and Elm Street. They also suggested adding handicap access ramps to the sidewalks at the Washington/South Church Street intersection. These suggestions will be added to the design before the next Town Board meeting. Once the Town Board approves the design neighborhood residents will be notified for input. The Town has received \$240,000.00 in grants for this project.

**Comprehensive Plan – Chapter Review** - The Town Board was provided draft copies of Chapters 3 and 4 of the 2020 Comprehensive Plan to begin reviewing. Burgess Miller recommended that the Town utilize its social media outlets to remind residents that their input is important in the process. A Comp Plan survey will be available to residents for feedback after the next Planning Commission Workshop. Once active/live, it will be accessed through the town website through the end of October. Town Board members were previously emailed a copy for review. Again, any comments or suggestions on these chapters please get them to the Town Planner. This will be an item on the next joint Town Board/Planning Commission meeting.

#### **REPORT OF COMMITTEES:**

**WATER & SEWER** – Commissioner Falcinelli reported:

The water reservoir project is moving along. The leak test of the structure is underway. One-half of the structure has been tested, the builder is now shifting to the other side. The committee is reviewing and revising both the 2019 Water Capacity Plan and the 2019 Sewer Capacity Plan. When renewing the discharge permit for the East wastewater treatment plant the Town will be requesting to increase the number of gallons from 250,000 to 350,000 to be in line with its' design. The Water/Sewer subcommittee is reviewing the Town's one-time forgiveness every 5 years. It is also discussing tap fee reductions in the downtown economic development zone. Brookridge Pump Station clogged again. This time a t-shirt and other clothing was removed. Residents should only be flushing human waste and toilet paper down their toilets.

**PUBLIC WORKS** – The Town Administrator reported:

The Town is waiting for all items to be delivered before installing the stop signs and crosswalks along Tobias Run. Signposts being installed along Main Street should be finished this week. Six parking spaces were added on South Church Street across from the fire station. State Highway is being asked to remove many of their signs which were installed as part of the Main Street Streetscape. They are obtrusive and placed very haphazardly.

**SUSTAINABILITY** – Commissioner Dietrick reported:

The committee did not meet in August. Joyce Tuten, a very integral member of the committee was honored instead. She is moving out of the area. The committee meeting is September 15<sup>th</sup> via Zoom.

**PLANNING COMMISSION** – Commissioner LaPadula reported:

The virtual Planning Commission workshop will be held September 16th. They will be reviewing chapters 4 and 5 of the Comp Plan. They will also be reviewing the temporary sign regulation. They have received information from the Town Attorney stating that the Town Code must be content neutral in regard to temporary signs. The Planning Commission will also be reviewing the Downtown Revitalization Zone incentives for comment.

**PARKS AND REC. COMMITTEE** – Commissioner Goodman reported:

The committee did not meet in August. They would like to meet with the Sustainability Committee for a “field trip” to identify locations along the town walking trails for memorial benches placement. The POS grant application has been submitted. Results will not be unknown until next Summer 2021. If anyone has ideas for future POS projects, please let the committee know. Finally, there are individuals who are interested in identifying the location of the new pickle ball courts and its design.

**PUBLIC INFORMATION** – Commissioner Falcinelli reported:

As always, town residents are encouraged to sign up with the various town media sources to stay up to date on things happening in town. The next quarterly newsletter will include an insert with directions on how to register.

### **NEW BUSINESS:**

**Revitalization Task Force – Preliminary Redevelopment Program Review** – At the September Town Board Workshop Commissioner Falcinelli suggested the formation of a workgroup which would address the issues facing the redevelopment of old commercial properties within the downtown historic district. The workgroup, at a minimum, would be chaired by Commissioner Falcinelli and include the Staff Planner, the Main Street Program Manager, and members of the Planning Commission. The task force has met via Zoom on several occasions. They have outlined a proposed Downtown Revitalization Zone Incentive Program. A draft version of this was provided to the Town Board to review. The task force would like guidance from the Town Board as to whether this is the direction they would like the task force to continue to take. The district would be the same as the identified Main Street Middletown district, but would be separate from the Main Street district. A basic tenant to this program would be that economic development is a general fund initiative. Any water/sewer fees waived or discounted would have to be made up for with grants from the General Fund. Qualifications for commercial redevelopers were identified. Incentives could include: waiving the improvement fee, economic development grants could be available to allow discounts on the water and sewer tap fees, deferred payments of the water and sewer tap fees, expedited process with the Planning Commission and/or the board of Appeals, waiving the Planning Commission and/or Board of Appeals fees, etc. Tiered investment incentives were also offered as an option. Discussion occurred as to whether non-water/sewer fees would be covered by these grants. Commercial development regarding apartments and condominiums was discussed. Burgess Miller asked that a paragraph be written which states the goal of the program. The Town Board agreed that the task force is headed in the right direction. It also agreed that a line item should be added to the General Fund specifically for economic development but limit the amount each fiscal year. The Town Administrator reviewed Frederick County’s Capacity Adjustment Factor Form which provides another way to discount costs. Burgess Miller thanked the Task Force members for their time with this idea and asked them to take the comments and suggestions from tonight and revise their proposal.

**September is National Recovery Month** – This is a grass roots initiative within the county to reduce substance abuse related deaths and overdoses and supports those in addiction recovery and their families. This observance will occur during the month of September (National Recovery Month). The purple light bulbs have been installed at the Municipal Center. Everyone is encouraged to wear purple every Friday to bring awareness and understanding of mental health and substance abuse disorders, and to celebrate those living in recovery. Town Board members are asked to wear their shirts for the meetings this month.

**Changes to the Town's Water & Sewer Billing Policy** – With the Covid State of Emergency in effect and knowing that families have been impacted by this epidemic the Water & Sewer Standing Committee wanted to address the issue of those water/sewer accounts which will have large balances once the state of emergency is lifted. The committee recommends having minimum requirements in place prior to the state of emergency being lifted. They suggested that at a minimum a monthly payment must be paid by the resident and that any payment plan granted must be paid in full within a year.

**Covid Procedures for Outstanding Water & Sewer Bill Balances** – The Water & Sewer Standing Committee provided a draft set of procedures for accounts with outstanding balances over 90 days related to the Governor's prohibition on Water Service Disconnections for the Town Board to review. A draft payment plan agreement for residents was also provided for review and comment. The Town Board liked what was proposed and suggested the sooner this information gets out to the town residents the better.

**PUBLIC COMMENTS:**

**Alternative Broadband Internet Provider** – Bob Smart, 7525 Coblenz Road, sent an email to Town Board members regarding a potential alternative broadband internet provider agreement to pursue with Shenandoah Cable. This company has pursued an agreement with the city of Frederick. Burgess Miller will contact the Frederick City mayor for more details.

**ANNOUNCEMENTS:**

- *Please Complete Your Census Information – If you have not done so already, please complete your census. There is still time.*
- *Middletown Valley Ministerium Community Day of Service – September 12, 2020. There were 130 volunteers. It was a great success. Thanks to all who helped.*
- *Middletown Scarecrow Contest – Is happening this year. On-line registration for the kits begins 9/21/20. Kits will be available for pick-up on 9/28/2020.*
- *Christmas in the Valley is cancelled this year as an event. Ornaments will still be available for purchase. The group is looking at options for the toy drive and to promote downtown businesses.*

Meeting adjourned at 9:27 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager



## **SURVEY QUESTIONS FOR OFF-SITE SALE OF ALCOHOL WITHIN TOWN LIMITS**

In the mid-90's the Town had surveyed residents as to whether or not they would approve of off-site sale of beer, wine and liquor. In other words, allowing a liquor store within the Town limits. It was defeated after going to referendum. The issue has arisen again as we have had several requests to make this change. Since some time has passed, we want to survey the Town residents to find out where we stand today on the issue of allowing a liquor store within the Town limits.

The Burgess and Commissioners are seeking your feedback on whether or not a liquor store should be allowed.

Please respond to the questions below. The survey will be online until October 15 at which time it will be removed and comments will be reviewed and tallied. If approved, a proposed text amendment will come before the Burgess and Commissioners before the end of this calendar year for a vote.

1. Do you support a change in the current code/ordinance to allow for a beer wine and liquor store to operate within the Town limits of Middletown?

Yes

No

2. Do you support a provision in the current code/ordinance to allow for such a store to operate but not within 1000 feet of a church or school?

Yes

No

3. Do you believe having liquor store(s) within the Town limits would be a positive, negative, or no opinion addition to the Town's types of commercial establishments?

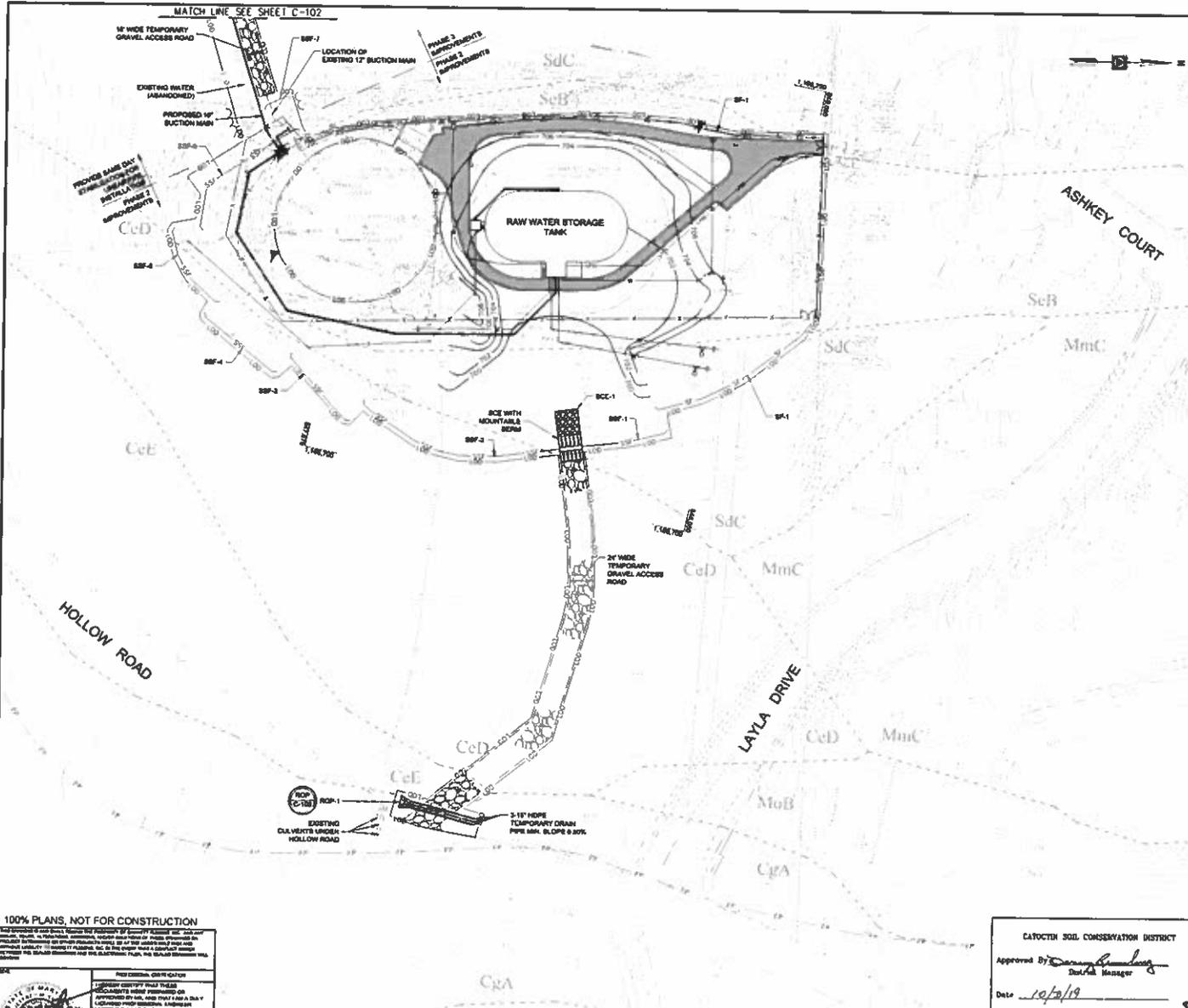
Positive

Negative

No Opinion



**Reservoir Project**  
**Town of Middletown - Frederick County**



- ### DRAIN PIPE NOTES
1. TEMPORARY DRAIN PIPE SHALL BE HOPE PIPE WITH SMOOTH INTERIOR
  2. DRAIN PIPE SHALL BE WATER TIGHT
  3. ESTIMATED MAX. 10 YR FLOW PER PIPE: 4.38 CFS
  4. ESTIMATED MAX. 10 YR FLOW VELOCITY: 0.01 FT/SEC

- ### GENERAL NOTES
1. 100 YR FLOOD PLAN IS NOT PRESENT ON SITE
  2. NO CRITICAL AREA IS PRESENT ON SITE
  3. NO WETLANDS PRESENT ON SITE
  4. FOR 87' BPF DATA, SEE SHEET C-108
  5. PROVIDE TEMPORARY SLOPE STABILIZATION MATTING FOR ALL SLOPES STEEPER THAN 4:1 (H:V)

- ### GRAVEL ACCESS ROAD
1. 4" OF CR4 AGGREGATE PLACED ON TOP OF NONWOVEN GEOTEXTILE FABRIC ON TOP OF COMPACTED SUBGRADE. RECYCLED CONCRETE SHALL NOT BE PERMITTED
  2. TOP OF ACCESS ROAD SHALL BE SET FLESH WITH SURROUNDING EXISTING GRADE AS TO NOT INTERFERE WITH RAISING SURFACE DRAINAGE PATTERNS
  3. CONTRACTOR SHALL MAINTAIN ACCESS ROAD FOR THE DURATION OF CONSTRUCTION

### LEGEND

	16' WIDE TEMPORARY GRAVEL ACCESS ROAD		STABILIZED CONSTRUCTION ENTRANCE WITH MOUNTABLE BERM
	SUPER BELT FENCE		PROPOSED ACCESS ROAD (PAVED)
	LIMIT OF DISTURBANCE		PROPOSED TREELINE
	RIPP RAP OUTLET PROTECTION		PROPOSED CHEMICAL CHASE LINE
	PROPOSED CONTOUR		SOIL BOUNDARY
	PROPOSED CHAIN LINK FENCE		EXISTING TREELINE
	PROPOSED DOUBLE LINE GATE		100YR FLOODPLAIN LINE
	DRAIN PIPE (UNDER 12")		EXISTING OVERHEAD ELECTRIC
	PROPOSED WATER (UNDER 12")		EXISTING WATER LINE
	PROPOSED WATER (12' AND OVER)		EXISTING MINOR CONTOUR
	PROPOSED VALVE AND TRUST COLLAR		EXISTING MAJOR CONTOUR

### DISTURBED AREA QUANTITY

THE TOTAL AREA TO BE DISTURBED BY THIS PROJECT ON THESE PLANS HAS BEEN DETERMINED TO BE APPROXIMATELY 475,300 SQ. FT. AND THE TOTAL AMOUNT OF EXCAVATION AND FILL AS SHOWN ON THESE PLANS HAS BEEN COMPUTED TO BE APPROXIMATELY 225,000 CU. YD. OF FILL.

*[Signature]* DATE: 9/24/19

NOTE: NET CUT/FILL QUANTITY PROVIDED FOR FREDERICK COUNTY SOIL CONSERVATION DISTRICT USE ONLY AND NOT TO BE USED FOR BIDDING PURPOSES.

### SOIL DATA SUMMARY

MAP UNIT SYMBOL	MAP UNIT NAME	EROSION FACTOR, K <sub>f</sub>	HYDROLOGIC SOIL GROUP
CdD	CATOCTIN-SPOOLVILLE COMPLEX, 15 TO 35 PERCENT SLOPES	0.30	B
CdE	CATOCTIN-SPOOLVILLE COMPLEX, 35 TO 45 PERCENT SLOPES	0.32	B
CdA	ODDONS AND HATHROD BELT LOAMS, 5 TO 3 PERCENT SLOPES	0.32	C
MmC	MT. ZION GRAVELLY BELT LOAM, 4 TO 15 PERCENT SLOPES	0.37	C
MmB	MT. ZION ODDONS COMPLEX, 0 TO 5 PERCENT SLOPES	0.37	C
MmD	MYERSVILLE BELT LOAM, 3 TO 6 PERCENT SLOPES	0.30	B
MmF	MYERSVILLE-CATOCTIN-IRISH LAND COMPLEX, 3 TO 6 PERCENT SLOPES	0.32	B
MmC	SPOOLVILLE-CATOCTIN COMPLEX, 0 TO 15 PERCENT SLOPES	0.32	B
SaA	SPOOLVILLE BELT LOAM, 0 TO 3 PERCENT SLOPES	0.43	B
SaB	SPOOLVILLE BELT LOAM, 3 TO 6 PERCENT SLOPES	0.43	B

SOIL DATA NOTES:  
 1. SOIL DATA ACQUIRED FROM THE USDA NATIONAL RESOURCES CONSERVATION SERVICE (NRCS) "WEB PORTAL" IN MARCH OF 2015.  
 2. EROSION FACTOR (K<sub>f</sub>) FROM (K<sub>f</sub>) INDICATES THE CROSSLABILITY OF THE FINE-EARTH FRACTION, OR MATERIALS LESS THAN 2 MILLIMETERS IN SIZE.  
 3. OTHER FACTORS BEING EQUAL, THE HIGHER THE VALUE, THE MORE SUSCEPTIBLE THE SOIL IS TO SHEET AND HILL EROSION BY WATER.

100% PLANS, NOT FOR CONSTRUCTION

FOR OFFICIAL USE ONLY

DESIGNED BY: RVA  
 CHECKED BY: JMS  
 DATE: 10/20/19

CADD BY: KDJ  
 APPROVED BY: DRF  
 DATE: 10/20/19

SCALE: AS NOTED

Gannett Fleming  
 BALTIMORE, MARYLAND

CATOCTIN SOIL CONSERVATION DISTRICT

Approved By: *[Signature]*  
 District Manager

Date: 10/20/19

TOWN OF MIDDLETOWN  
 FREDERICK COUNTY, MARYLAND

RAW WATER STORAGE IMPROVEMENTS

CIVIL

EROSION AND SEDIMENT CONTROL PLAN

JOB NO. 63501  
 DATE: 10/20/19

SHEET NO. C-101

1:13200 - M:\projects\19-0000\19-0000-0101-04\_LSC - 2019-09-10 10:20:00 AM 19-0000-0101-04\_LSC.dwg





## Downtown Revitalization Zone Incentive Program

**October 1 DRAFT**

### **Purpose:**

The Town of Middletown is furthering its efforts to revitalize the historic downtown by creating the Downtown Revitalization Zone (DRZ) Incentive Program with specific incentives to attract investment in Middletown's timeless, older buildings. The Zone mirrors the Main Street district to further illustrate the Town's commitment to keeping the historic downtown thriving as the core of our community. The Burgess & Commissioners have prioritized economic development and revitalization of these buildings to keep Middletown a vibrant, thriving town.

The potential benefits of this program include revitalization of vacant buildings, increased jobs, increased property tax revenues, preservation of building facades, and voluntary programs geared to historic preservation of our historical and architecturally significant buildings.

### **Qualifications:**

- A pre-application meeting with Middletown staff, Middletown's Main Street manager, and at least one elected official is required to discuss all aspects of the program.
- The revitalization project must be within the Downtown Revitalization Zone (see attached map).
- A minimum of \$250,000 must be invested in the revitalization project (excluding purchase price).
- The façade of the building must be preserved, and a Concept Plan must be provided that demonstrates consistency of downtown character in size, scale, and materials.
- Execution of a Development Agreement to detail the obligations of both parties and specify the standards and conditions that will govern development of the property.

**Incentives:**

- **Reduction in Water and Sewer Tap/Equivalent Dwelling Unit (EDU) Fees and Improvement Fees**

The Town’s fees for water and sewer connection are comprised of three elements:

- Water Tap/EDU Fee
- Sewer Tap/EDU Fee
- Improvement Fee

Through Middletown’s Economic Development Grant Program, Water and Sewer Taps/EDU fees will be discounted by 50% for additional water and sewer capacity needed by the proposed redevelopment of the property, not to exceed the funded amount of the grant program.

The Improvement Fee is waived 100%.

<u>Prevailing Rates</u>		<u>DRZ Program Incentive Rates</u>
Water Tap/EDU	\$9,000	reduced to \$4,500
Sewer Tap/EDU	\$9,000	reduced to \$4,500
Improvement Fee	<u>\$7,000</u>	reduced to <u>\$0</u>
Total	\$25,000	\$9,000

(Per Tap/EDU)

Capacity Calculations (number of Taps/EDU’s required) are based on either a Fixture Unit Count or Meter Size for the property. The required number of Taps/EDU’s will be calculated by Middletown staff.

- **Deferred Payments of Water and Sewer Tap/EDU Fees** – Payments may be deferred to coincide with cash flow and be defined and secured in the Development Agreement. Payments must be made quarterly, up to a maximum of 5 years or at point of sale of individual units. Payment term begins when a Certificate of Occupancy for the project is issued.
- **Parking requirements are decreased by 50% in the Downtown Revitalization Zone and additional parking waivers may be granted by the Planning Commission.**
- **Expedited navigation through Planning Commission/Board of Appeals** – A DRZ Planning Commission checklist (see attached) is provided and once all documents are received, reviews and approvals will be prioritized and expedited while meeting all Planning Commission procedures and legal requirements. A Board of Appeals hearing, if required, will be expedited as soon as possible within the legal notice requirements.
- **Waive all Planning Commission/Board of Appeals Fees (over \$3,000 savings)**
- **Kick-Off meeting with Middletown staff, Main Street manager, and at least one elected official.**

# MAIN STREET MIDDLETOWN

## Incentives for the Property Developer

### **WELCOME TO MIDDLETOWN!**

Thank you for choosing Middletown, Maryland, and welcome to our community! Main Street Middletown, MD Inc. is the local nonprofit with a mission to support the downtown historic business district as the economically thriving center of our community. We do this through the nationally acclaimed National Main Street Program by implementing a historic preservation-based economic development strategy. Simply put, we love our historic buildings and character, as well as the businesses that own and occupy these unique spaces. We work to bring folks (read potential customers) downtown through advertising campaigns in print, digital, and TV and host several festivals. We support businesses through financial incentives, host monthly meetings, often with technical assistance, and we encourage business owners to work together and cross promote each other.

**MAIN STREET'S FINANCIAL INCENTIVE** : The workhorse financial incentive that Main Street Middletown MD Inc. offers is our **Façade Improvement Program**.

How it Works: Each year, Main Street Middletown applies for state funds to fill our coffers based on upcoming work, so each year our fund amount is different, based on demand. Property owners complete an application (which can be downloaded at [www.mainstreetmiddletown.org](http://www.mainstreetmiddletown.org)), the Main Street Design Committee reviews the package for completeness and forwards the application to the state. The State reviews the proposed project for potential impacts to the historic character of the property. Usually the review period is about 1-week long. Once Main Street gets the "Ok" from the State, we alert you so that you can move forward with those specific tasks.

When the work is complete, the property owner will provide another set of documentation, consisting of proof of payment for the described work, and photos of the finished project to Main Street Middletown. We proof the submittal for completeness and then request the state for reimbursement.

Reimbursement varies from community to community. The way Main Street Middletown, MD Inc has set up our reimbursement rate is UP TO 50% of your costs up to our funding amount provided by the state. The maximum amount that can be refunded is \$50,000.

**ADDITIONAL INCENTIVES:** There are additional tax credits that can be used for many of Middletown's properties since many properties are considered historic and are contributing resources to Middletown's National Register Historic District. If you need assistance in determining if the property you are interested in is considered a contributing historic property, please feel free to call the Main Street Manager, Becky Axilbund at 301-371-6171, Extension 111.

Town of Middletown Tax Credit – for improvements made to commercial structures within the Town, the new assessed value of the improved property will be taxed at 20% the first year, 40% the second year, 60% the third year,, 80% the fourth year, and the full amount in the fifth year after project completion. For more information about this incentive, please contact the Town Administrator, Drew Bowen at 301-371-6171.

Maryland Sustainable Communities Rehabilitation Tax Credit – this program provides a State income tax credit and is available for commercial, income producing properties, including office, retail, and rental housing. Visit the Maryland Historical Trust to view requirements and forms, or call staff at 410-514-7628.

Federal Historic Preservation Tax Credits – administered by the National Park Service, this program provides a federal income tax credit based on the qualified rehabilitation costs of a certified historic structure (many properties in Middletown are considered a certified historic structure). This program is coordinated through the Maryland Historical Trust and additional information can be obtained through calling 410-514-7620.

**LAST, BUT NOT LEAST,** the Main Street Manager, the Main Street Board of Trustees, and our regional and statewide partners are advocates for small business owners. We are here to help you! We encourage you to please contact us. We are always excited to discuss new projects and assist you in this endeavor.

**CONTACT:**

Becky Axilbund,  
Main Street Middletown Manager  
19 West Main Street, Middletown, MD 21769  
301-371-6171, Extension 111  
[www.MainStreetMiddletown.org](http://www.MainStreetMiddletown.org)

[BAxilbund@ci.middletown.md.us](mailto:BAxilbund@ci.middletown.md.us)





**Downtown Revitalization Zone**  
**Town of Middletown - Frederick County**

**MIDDLETOWN**  
**DOWNTOWN REVITALIZATION ZONE CHECKLIST**  
**PLANNING COMMISSION REVIEW**

- **Application/Development Agreement with Concept Plan (previously submitted)**
- **Site Plan Requirements (*Middletown Municipal Code Section 17.32.240*)**
  - **Existing Conditions - shown on Site Plan**
    - **General plan of development for the property showing entire tract to be developed/redeveloped and drawn to scale; acreage; names of adjacent property owners; current zoning classification**
    - **Property address, name and addresses of owner, developer, and the designer/surveyor/engineer**
    - **Scale, north point, and date**
    - **Approval block for the planning commission**
    - **Topography – contours at five-foot intervals, if warranted**
    - **Physical features – buildings, utilities, other significant items, along with sizes and grades of any water or sewer lines**
    - **Locations, widths and names of existing roads, or other public ways within or adjoining site; utility or other rights-of-ways or easements**
  - **Proposed Development/Redevelopment – shown on Site Plan**
    - **Proposed/Existing Buildings – layout and dimensions of all buildings; for condominium or multi-family projects (apartment, townhouse, etc.) the total number of units in each building shall be shown (*Municipal Code Section 17.32.240*)**
    - **Open Spaces – portions of property intended for public use and arrangements for ownership and maintenance**
    - **Utilities – locations for utilities and drainage facilities, with easement for same**
    - **Building setback lines along all streets and property boundaries, with amount of setback indicated for each**
    - **Proposed use of property (retail, commercial, residential, mixed use)**
    - **Proposed method of stormwater management if necessary due to area of land disturbance.**
    - **Landscaping if necessary/planned (*Municipal Code Section 17.20.050*)**
    - **Outdoor lighting plans including photometric data and foot-candle readings (*Municipal Code Section 17.32.245*)**

## **Parking Requirements**

- **Parking requirements are decreased by 50% in the Downtown Revitalization Zone and additional parking waivers may be granted by the Planning Commission**
  - Residential – one space per dwelling unit
  - Office building – one space per 600 square feet
  - Retail – one space per 300 square feet
  - Eating establishment – one space per 180 square feet or 6 seats, whichever is greater
  - Other commercial – one space per 600 square feet
  - Community centers, funeral homes, clubs/lodges, other recreational establishments -one space per 200 square feet

## Chapter 4 LAND USE

Since one of the major purposes of the Comprehensive Plan is to guide future decision making on development, it is important to look at past and existing patterns of land use as background information for future land uses. Existing land uses will, to a large extent, determine future land use decisions.

Middletown has developed similarly to many small towns with a mixture of residential and commercial development along the main intersecting streets in Town (Main Street, Church Street, and Jefferson Street). Most of the commercial activity is concentrated in two primary locations: along West Main Street from Church Street to Elm Street which is considered the town commercial district (TC) and on the eastern side of Town along and adjacent to Middletown Parkway. Residential development predominated on the edges of the town commercial district and on the surrounding parallel streets to Main and Church Streets. More recent development has included residential on the east and north edge of Town, the development of Remsberg Park land to the south with ballfields and other recreational activities, and the Cross Stone Commons commercial area on Middletown Parkway.

While Middletown is the focus for development in the Middletown Valley, substantial development has occurred beyond the limits of the Town both east and west. To the east is the Fountaindale Subdivision and commercial development along US 40A. To the west are the Brookridge North Subdivision, West Middletown Estates and Picnic Woods Estates. The entire Middletown Valley has continued to be a desirable area for residential development, often conflicting with the existing agricultural activities.

### EXISTING LAND USE

The existing land use in the Town of Middletown shows the predominate land use is residential with 52% in this category. This compares with 26% of the land in residential use in 1969. The majority of the residential use is single-family dwellings which are located throughout the Town. Multi-family residential and townhouse development is located in several specific locations. The Middletown Valley (formerly Chesterbrook) Apartments are located at the south end of Broad Street in Middletown with other multi-family development located closer to the center of Town. Townhouse developments are located in two areas on the west side of Town and include Jefferson Village and Creamery Row, and on the east side of Town in the Glenbrook Planned Unit Development (PUD).

Commercial development accounts for 4% of the land use in Middletown compared to 2.8% in 1969. Primary locations of commercial activity include the downtown area along Main and Church Streets, the Town Center Plaza located on the eastern edge of Town, and the Cross Stone Commons shopping center on Middletown Parkway. Commercial uses in the downtown area are interspersed with residential and institutional uses, however, and there are specific pockets of separate commercial areas. The commercial area near the intersection of Church and Main Streets extends along Main Street from Church Street to Summers Drive and along Church Street from Green to Washington Streets. On the western edge of Town, commercial uses are located near Main Street and Walnut Street. Other spots of commercial activity are located at the intersection of Boileau Drive and Church Street and on East Main Street and Broad Street.

Public and semi-public land accounts for 12% of the land area in Middletown. This category includes churches, cemeteries, and other institutional or non-profit land holdings. The percentage of public and semi-public land has decreased in Middletown since 1969. Open space/recreation and parkland is approximately 32% of the land in Middletown as compared to 1% in 1969. This category includes land specifically dedicated or reserved for open space, as well as undeveloped land which has the potential for development. Undeveloped land includes land owned by the Fire Department off Fireman's Way, and the Dowd property east of the Town Center Plaza which is slated for development as a professional center with some additional retail uses.

The Existing Land Use Map, Figure 4-1, following this section shows the existing land use as of 2020.

## ZONING

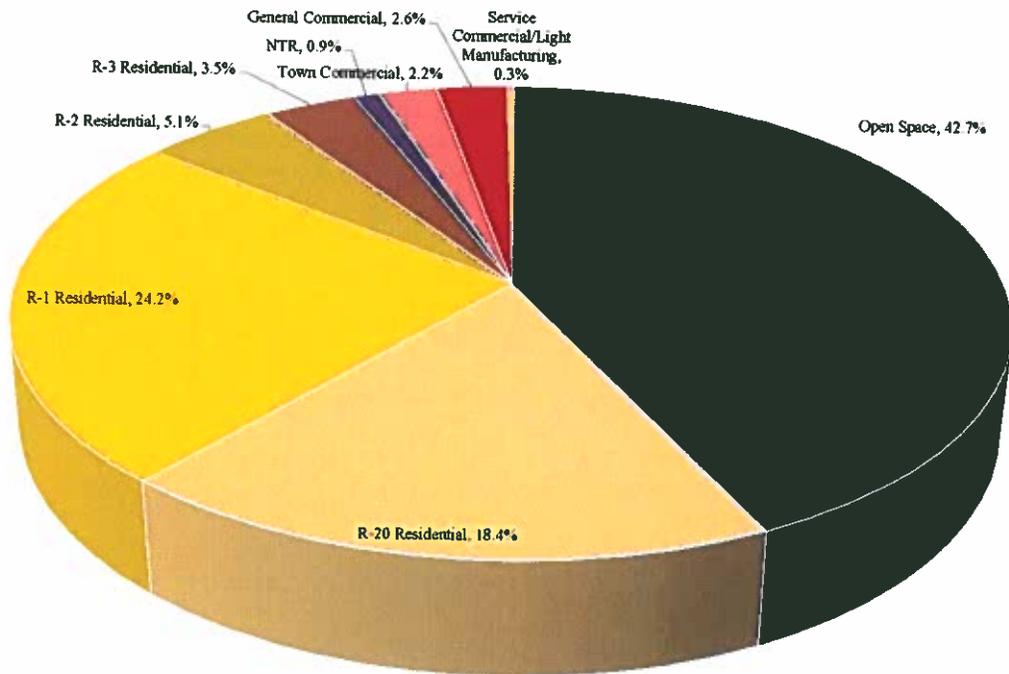
The first official Middletown Zoning Ordinance was adopted in 1969. It outlined different zoning districts and provided development regulations for those districts. Since that time, the Zoning Ordinance and Zoning Map have gone through numerous amendments to further refine and reflect the objectives of the Town. For example, provisions for the Industrial zone were amended in 1985 changing the zoning to the Service Commercial/Light Manufacturing District which included both map changes and text changes. Another example was the addition of the R-20 Residential District in 1988 which provided a transition zone from the Town's denser development to the County's less dense residential development.

There are 8 zoning districts in use in Middletown which encompass all the land area in Town. There are four residential districts, three commercial districts, and an open space district. The largest zoning district in terms of land area is the OS Open Space District which includes the Richland Golf Course. The second largest zoning district in terms of land area is the R-1 Residential zone which includes approximately 294 acres (24% of the total land area in Town). An overlay district was added to the zoning code in 2008 and is known as the Neo-Traditional Residential (NTR) Overlay District. This district can be overlain only on the R-3 zoning district and provides for smaller setbacks and the inclusion of alleys with greater design guidelines than the other residential districts. The Middletown Glen subdivision off East Green Street was developed using the NTR regulations. The Current Zoning Map, Figure 4-2, following this section shows the existing zoning as of 2020.

It is important to note the difference in land use and zoning. A particular zoning on a property can provide for different land uses and in some cases the existing land use is non-conforming and would not be permitted under present regulations. A non-conforming use is one which existed prior to the adoption of the specific regulation. There is one remaining non-conforming use property in Middletown which is the BP Station located on East Main Street.

Table 4-1 shows the eight zoning districts in Town with the amount of developed and undeveloped acreage in each category. This table includes acreage of some parcels which are developed but not to the fullest extent allowed by the zoning regulations.

**Percent of Total Acreage by Zoning District  
as of October 2020**



**TABLE 4-1  
MIDDLETOWN, MARYLAND  
DEVELOPED & UNDEVELOPED ACREAGE BY ZONING DISTRICT**

Zoning District	Acres Developed	Acres Percentage	Acres Undeveloped	Percentage	Total
Open Space	n/a	n/a	n/a	n/a	518
R-20 Residential	129	58%	94 <sup>1</sup>	42%	223
R-1 Residential	273	94%	16	6%	294
R-2 Residential	63	84%	12	16%	62
R-3 Residential + NTR <sup>2</sup>	63	100%	0	0%	53
Town Commercial	27	100%	0	0%	27
General Commercial	24	75%	8 <sup>3</sup>	25%	32
Service Commercial/ Light Manufacturing	4	100%	0	0%	4
<b>Total Acres</b>	<b>583</b>	<b>82%</b>	<b>130</b>	<b>18%</b>	<b>1213</b>

Source: Frederick County Planning Department and Middletown Planning Staff 2020

**SUBDIVISION ACTIVITY**

<sup>1</sup> Annexation of 94 acres occurred in 2018.

<sup>2</sup> NTR – Neo Traditional Residential

<sup>3</sup> Site plan approval of 6 acres occurred in 2020.

## History

Major subdivision activity took place in the late 1970's with the development of the Woodmere Subdivision and the Jefferson Village Subdivision. However, by the 1980's, subdivision activity was minimal due in part to a sewer moratorium in the early 1980's. This restraint on development continued to have an impact on Town growth thru the 1980's although several properties proposed annexation. During the years 1982 to 1989, there were a total of 57 lots created averaging 7 new lots per year. By 1990, subdivision activity increased due to three large developments which had been in the planning stages since the late 1980's. Those subdivisions were Brookridge South, North Pointe and Sections I and II of Foxfield. From 1990-2000 subdivision activity averaged 29 new lots per year. In addition, approved but not recorded lots accounted for another 595 lots. In the 1990's, the average lot size generally increased from the 1980's except for 1992 which included several small parcels in the older downtown area. In the late 1990's, subdivision activity declined while the town constructed the new east end sewerage facility and upgraded its water distribution facilities. The 400,000 gallon elevated water storage tank was erected to the rear of the school complex. The distribution lines were pressure zoned throughout town while new wells were added to the system and improvements were made in the watershed area. With consciously planned efforts and the subdivisions of Glenbrook and Foxfield moving forward, an increase in subdivision activity began in 2000, as can be seen in Table 4-2.

Table 4-2  
FINAL APPROVED SUBDIVISION PLATS: 2010-2020

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
# of Lots	0	3	0	0	81	0	0	0	2	0	0
Avg. Lot Size (acres)		0.3			0.3				0.3		

Source: Middletown Planning Staff 2020

## Site Plans

Whenever a new commercial or industrial use, or a change of use, is proposed, a site plan for development of the property must be approved by the Middletown Planning Commission, unless criteria are met in which it can then be approved by the Zoning Administrator. A site plan may include road access, parking, lighting, signage, stormwater management, landscaping, architectural review and trash dumpsters. The purpose of the site plan is to coordinate permitted activities on the site and to minimize the impact the proposed use will have on neighboring properties.

In 2007, the Town Code was modified to require a demolition site plan be reviewed and approved by the Middletown Planning Commission along with the demolition permit application. Although the regulations represent an increase in public review, they do not prohibit the demolition of a building be it historic or otherwise. Increased development pressure can be expected to be a threat to historic structures and sites as economic considerations may encourage demolition rather than re-use. (See Section 17.32.160, Middletown Municipal Code)

## ANNEXATIONS

Another major aspect of development is the annexation of land into the Town. Annexations increase the size of the corporate limits typically through landowner petition. All annexations require a public hearing process and referral to the County and State for comment. The County must review the annexation in light of the current county zoning classification. If the proposed annexation is inconsistent with the current county zoning, then the County must decide whether to grant a waiver of zoning consistency if requested. If the County does not grant the waiver then the five-year rule applies in which the municipality must wait five years before the new zoning classification is applied. When the zoning change is from one residential zone to another, the five-year rule will not kick in unless the density change of the proposed zoning is denser by 50 percent or greater. Since 1972, there has been over 859 acres of land annexed into Middletown and 33 acres de-annexed from Middletown. The annexed area has more than doubled the size of the corporate limits of Middletown.

The changes to the zoning district acreage as a result of annexation are as follows:

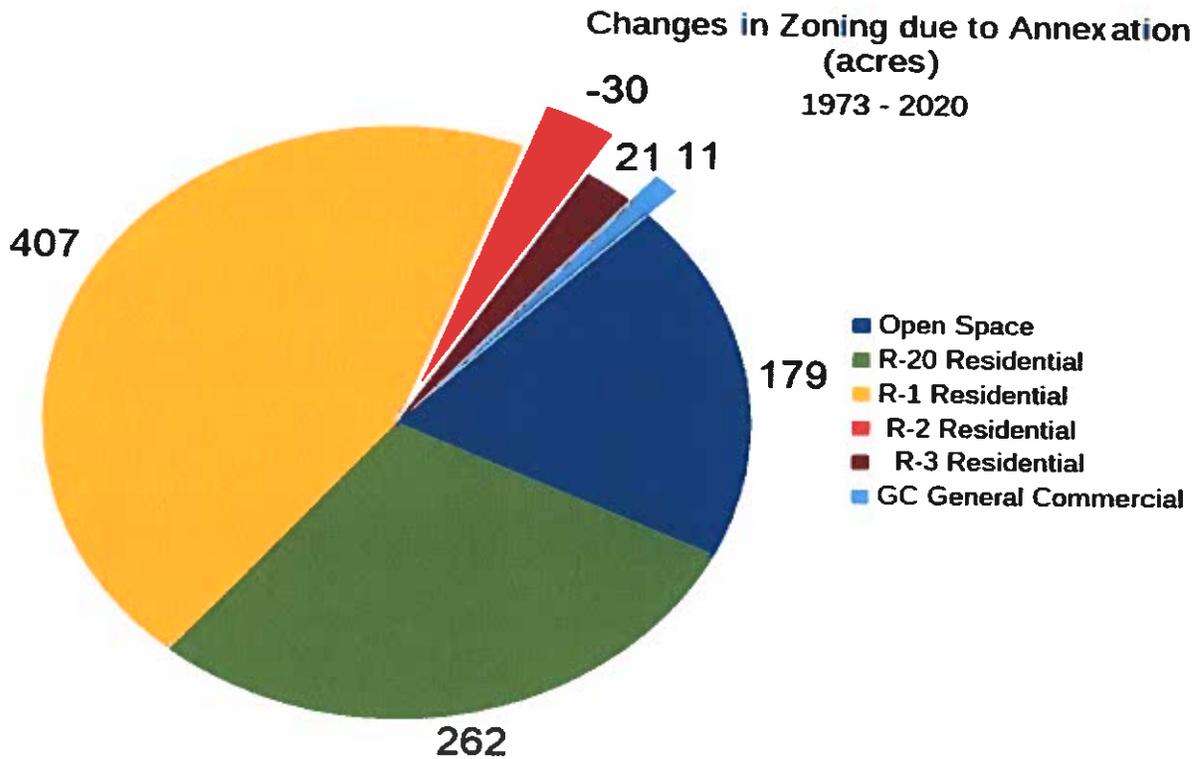


TABLE 4-4

ANNEXATIONS: 1972-2020

<u>Approved</u>				
<u>Year</u>	<u>Name</u>	<u>Acreage</u>	<u>Location</u>	<u>Zoning</u>
<u>1972</u>	<u>Woodmere South</u>	<u>5</u>	<u>S Woodmere S. Subd.</u>	<u>R-1</u>
<u>1973</u>	<u>Airview/Valley Center</u>	<u>43</u>	<u>N &amp; S side Main St.</u>	<u>R-1, GC</u>
<u>1973</u>	<u>Board of Education</u>	<u>50</u>	<u>Green St.</u>	<u>O-S</u>
<u>1979</u>	<u>De-Annexation Middletown South</u>	<u>-33</u>	<u>W MD 17, S Town</u>	<u>R-2</u>
<u>1988</u>	<u>Egon Elsner</u>	<u>0.776</u>	<u>Val-E-Drive (Jesserong Dr.)</u>	<u>R-1</u>
<u>1989</u>	<u>Lancaster</u>	<u>3</u>	<u>Washington St.</u>	<u>R-2</u>
<u>1989</u>	<u>Valley Land Investors</u>	<u>73</u>	<u>S US 40-A, W Town</u>	<u>R-1</u>
<u>1990</u>	<u>Middletown Sewer Plant</u>	<u>16</u>	<u>S US 40-A, S Town</u>	<u>O-S</u>
<u>1991</u>	<u>Coblentz Ltd Ptnrshp</u>	<u>30</u>	<u>E Coblentz RD</u>	<u>R-20</u>
<u>1991</u>	<u>Glenbrook</u>	<u>289</u>	<u>S US 40-A, E Town</u>	<u>R-1, R-3, GC</u>
<u>1992</u>	<u>Routzahn</u>	<u>10</u>	<u>N E. Main St., W Coblentz Rd</u>	<u>R-1</u>
<u>1992</u>	<u>Coblentz Ltd Ptnrshp</u>	<u>14</u>	<u>W Coblentz Rd</u>	<u>R-20</u>
<u>1993</u>	<u>J.H. Remsberg</u>	<u>13</u>	<u>W Holter Rd</u>	<u>R-1</u>
<u>1994</u>	<u>Cone Branch pump stn</u>	<u>0.5</u>		<u>OS</u>
<u>1997</u>	<u>Coblentz Ltd Ptnrshp</u>	<u>118</u>	<u>E. Coblentz Rd</u>	<u>R-20</u>
<u>2000</u>	<u>Johnson (Foxhole)</u>	<u>6</u>	<u>E. Coblentz Rd</u>	<u>R-20</u>
<u>2000</u>	<u>Well Fields (4 Parcels)</u>	<u>16</u>	<u>W. Hollow Rd</u>	<u>OS</u>
<u>2002</u>	<u>Fred. Co. Public Schools</u>	<u>17</u>	<u>Franklin St.</u>	<u>OS</u>
<u>2002</u>	<u>Middletown Vol. Fire Dept.</u>	<u>4</u>	<u>Franklin St.</u>	<u>OS</u>
<u>2013</u>	<u>Middletown County Park</u>	<u>74</u>	<u>Coblentz Road</u>	<u>OS</u>
<u>2018</u>	<u>Memar Corp (Admar)</u>	<u>94</u>	<u>Coblentz Road</u>	<u>R20</u>

Source: Middletown Planning Staff 2020

The location of annexed and de-annexed land is shown on Figure 4-3.

## HISTORIC SITES

The historical past of Middletown is easily recognized even to the casual observer in both the Town and the surrounding Region. This evidence of the past is seen throughout Frederick County, but especially in Middletown with its early development as a turnpike town. The 1990 Frederick County Comprehensive Plan recognized the importance of the historic past and in 1991, the County began a four year project to complete a county-wide historic sites inventory. This project began in the late 1970's, but lapsed in the early 1980's because of loss of funds. The survey was resumed in February 1991 with the aid of a matching grant from the Maryland Historical Trust, the state historic preservation agency.

The benefits of historic preservation are both tangible and intangible. The tangible benefits include: construction related jobs, increased tourism, and returning vacant structures to the tax rolls. The intangible benefits include a greater appreciation of historic heritage and stability of the neighborhood. Sites recognized in and around the Middletown corporate limits during the survey are as follows:

Airview Survey District (F-4-38): Airview, an early 20th century private real estate development at the east end of Middletown, has large residences in the vernacular, Queen Anne, Colonial Revival, and bungalow styles built about 1898-1930. Among the houses is an outstanding example of the Queen Anne style, the George Gaver House (1898-99), at 701 E. Main Street, and the first documented concrete block house in Frederick County, "Gray Haven" (1906), 709 East Main Street. The development was a direct result of the opening of the 1896 trolley line which linked Middletown and Frederick.

Middletown Survey District (F-4-39): Middletown's Survey District is centered on the intersection of Main Street and Church Street and includes the original 1767 planned town west of the intersection, the early 19th Century additions of Keller, Wise, and Grove, and the late 19th and early 20th Century extensions of East Main Street and the Prospect Street development. The later additions were partly influenced by the 1896 Frederick and Middletown Electric Railway and other factors such as the building of a school with necessary street access. The district involves 338 buildings and structures and includes 118.5 acres. The architecture of the different sections is clearly distinguishable, with the log, stone, and brick buildings of the pre-1850 period concentrated in the original section and along Jefferson Street through Keller's Addition. Late 19th Century commercial buildings are clustered along Main Street in the original section. The eclectic residential styles of the 1890's through the 1930's are apparent in the East Main Street and Prospect Street areas. Middletown is an excellent representative of "turnpike town" development, with the added influence of the electric trolley, which opened the Middletown Region to wider contact with other parts of the County and the larger interstate region. Middletown is also significant for its role as a hospital center after the 1862 Civil War Battles of South Mountain and Antietam and as the 18th and 19th Century religious center of the middle and upper Middletown Valley.

Spoolsville Survey District (F-4-44): Spoolsville was a rural industrial community established about 1800 around the Bowlus Flour Mill (demolished) on Little Catocin Creek, west of Middletown. It presently includes mostly residential buildings of log, stone, brick, and frame, built from about 1800-1870. Among the 24 contributing structures are two remnants of the commercial life of the community which developed from the mill industry and the location of the village on the busy National Road, a blacksmith shop and a wagon shop. The principal dwellings are the Bowlus Mill House, a circa 1800 stone house with fine interior craftsmanship in the German vernacular style evident in its trim and mantels, and the Adam Koogler House, a brick house of about 1830-40 on the old National Road, which is associated with the wagon shop. The district also includes several late 19th Century agricultural buildings and a circa 1920 steel truss bridge. This 1920 steel truss bridge was removed and replaced with a more modern bridge with larger capacity. The old bridge was relocated to the Glenbrook subdivision for use as a bridge in the golf cart path, and stream crossing.

J. Homer Remsberg Farmstead (F-4-23)

The Remsberg Farmstead is located on both sides of Holter Road, just outside the southeastern town limit of Middletown. The domestic group consists of a circa 1857 brick dwelling with a two-bay main section and a side wing with a two-story porch. The domestic outbuildings include a

deteriorated brick smokehouse, a frame summer kitchen, two chicken houses, and other structures. On the north side of Holter Road is the agricultural group centered on a large frame bank barn of about the same date as the house. The bank barn was burned by arsonists in July 1992 after the survey documentation was completed. Other agricultural buildings include a circa 1923 concrete block dairy barn, a wagon shed/corn crib, a hog barn and two silos. The farmstead represents the agricultural development of Frederick County from principally grain-producing farms in the mid-19th Century to the dairy operations of the 20th Century.

Historic Sites and Survey District Map – Figure 4-4



## Chapter 5 TRANSPORTATION

The focus of the transportation plan is the movement of people and goods. The transportation system and the physical development of a community is inter-twined. In the case of Middletown, the name and very existence is due to its location between South Mountain and Braddock Mountain on the Old National Road. The need for additional roads and other forms of transportation increases as development occurs along the existing transportation routes.

The Old National Road, which became US 40-A, was one of the County's earliest toll roads. It created enough traffic to stimulate development of local trade centers and taverns or inns along its route. Farm to market routes developed as the population expanded. The expanding population also created the need for side roads and alleys in the Town itself. In addition to the importance of US 40-A, development in Middletown was also affected by the establishment of a trolley line. The trolley line resulted in the East Main Street extension and the Prospect's Addition Subdivision.

The purpose of this chapter is to inventory and analyze the existing transportation system. Towards this end, it will review the regional context of transportation, the existing local network, traffic counts, problem areas and issues related to transportation.

### REGIONAL CONTEXT OF THE TRANSPORTATION SYSTEM

The transportation system in the Middletown Region contains both inter (outside the region) and intra-regional (within the region) transportation connections. Three inter-regional road connections are I-70, US 40 and US 40-Alternate; all are east-west connections from Frederick west to Hagerstown and beyond. The existence of these inter-regional routes is important due to the limited access outside the Middletown Region because of the mountains. This is a factor in evaluating transportation alternatives to improve traffic congestion. The oldest of the three, US 40-A, is Main Street in Middletown and is a two-lane road for its entire length where it splits from US 40. The newest of the three, I-70, was built in the late 1960's and now carries most of the through County east-west traffic. The predominate north-south route through the Middletown Region is MD Rt. 17 which is a two-lane State rural road which winds from Smithsburg in Washington County south to Brunswick. MD Rt. 17 is Church Street in Middletown and intersects with Main Street (US 40-A) in the center of Town. Other major north-south roads in the Region are Old Hagerstown Road, Old Middletown Road, Holter Road and Harmony Road. All the other roads in the Region are rural local roads or subdivision streets. See Figure 5-1 Roads by Jurisdiction.

### LOCAL ROAD NETWORK

The local road network in Middletown is predominately characterized by the relationship of the smaller streets to Main Street and to a lesser extent Church Street. The basic linear grid pattern with parallel streets is present in the Town street system but contains many interruptions which force traffic back to Main Street and Church Street. The street system has its origin in the original layout of the Town with some of the original streets being Jefferson, Church, Elm, North (now Green) and South (now Washington) Streets.

About 350 ft. north of Main Street is Green Street which parallels Main Street. West Green Street has been upgraded with storm drain, curbs and gutter, and sidewalks from N. Church Street to just west of the AMVETS property, is mostly open section (no curbs or gutters) and It extends to the North Pointe subdivision, where it intersects with North Pointe Terrace, which intersects with West Main Street, opposite Eastern Circle. East Green Street has been upgraded with curb, gutter, sidewalk and includes turn lanes to the Middletown school complex and extends subsequently eastward, where it intersects with Cone Branch Drive.

The pavement width on West Green Street varies but has been improved in recent years to 20-40 feet from N. Church Street to North Pointe. The western end of Green Street also has some problems with vertical alignment which is being improved through development. One issue concerning Green Street is the lack of sidewalks, although some have been added through upgrades to the eastern section. This street serves the Middletown school complex and is heavily used by many school children.

South of Main Street are two main parallel roads which serve different parts of Town. On the west side of Town is Washington Street. This street extends from Church Street to its end in the Manor Ridge Subdivision. Both the pavement width and right-of-way varies along Washington Street. The other parallel road south of Main Street is Linden Boulevard. This street extends from Broad Street east to Larch Lane. Linden Boulevard primarily serves the Woodmere South Subdivision. Linden Boulevard is 38 ft. wide with a 50 ft. right-of-way, which is wider than most local streets in Town.

The grid street pattern is much more pronounced on the older, west side of Town. The streets running from Green Street to West Main Street include Garage Drive, Jefferson Street, Elm Street, Willow Street and Bussard, Summers and Koogle's Drive. Jefferson and Elm Street cross Main Street and extend past Washington Street. Generally, all of these streets are narrow in both pavement width and right-of-way with structures very close to the pavement. Most of these streets are now one-way. Walnut Street is a major road connection southwest of Town where it is named Bidle Road in the County. On the east side of Town, there is only one direct connection from north of Main Street to south of Main Street and that is where Lombardy Drive intersects with Main Street and becomes Cone Branch Drive, north of Main Street. Cone Branch Drive has access to Coblenz Road (County road) via Caroline Drive or Foxfield Pass. There are two connections from Main Street to Franklin Street (which is named Holter Road in the County). These two road connections are Prospect Street and Broad Street. These two streets are connected between Main and Franklin Streets by Locust Street. Broad Street is paved through to South Church Street (MD Rt. 17) but has been blocked to through traffic at that location. Pavement widths on Broad and Prospect Streets are 22-30 ft. Most of the other streets in Town serve mostly local use either in the older developed areas or in the newer subdivisions.

Many of the older streets in Town are approaching, or have passed, their useable life and are in need of renovation. The State Highway Administration collects a gasoline tax from across the State and then distributes these funds to municipalities. Middletown is given a set amount of money for each mile of local roads that Middletown agrees to maintain. This means that repairing and maintaining local streets and roads is the town's responsibility. Middletown maintains 24.7 miles of roads. Roads that were resurfaced in recent years include Manda Court, Manda Drive, Martha Mason, and Locust Boulevard. Washington Street will be resurfaced in

2021, and will include new sidewalks. Broad Street will undergo reconstruction in 2021. Streets in the subdivisions of Glenbrook, Foxfield, North Pointe and Cone Branch Estates, which were completed in more recent years, provide connections that have helped to alleviate traffic congestion at the intersection of US 40-A and MD Rt. 17 in downtown Middletown.

### PAST TRANSPORTATION ACTIVITY

In 1998 and 1999 the Town upgraded Green Street from N. Church Street (MD Rt. 17 north) to Schoolhouse Drive. The developer of the Cone Branch Estates subdivision completed the extension of E. Green Street to Cone Branch Drive near its intersection with E. Main Street (US 40-A) with the Town completing the section from Schoolhouse Drive to the Estates. At the western end of Green Street beyond the Amvets Post Home the developer of North Pointe Subdivision extended the street through that subdivision to West Main Street (US 40-A) opposite of Eastern Circle. These road sections have provided an alternate through traffic pattern in Middletown, paralleling Main Street, and have provided a secondary route if Main Street becomes blocked.

The developer of the Glenbrook Subdivision was required to construct a section of the southern parkway between East Main Street and Holter Road to State standards (150' right-of-way with 2 lanes of 24' wide pavement) and dedicate to the Town the entire right-of-way until such time the State would take over the road. The developer also constructed a street (Glenbrook Drive) which runs from the parkway in an eastward direction and connects with Holter Road, affording the development two accesses to Holter Road.

The developer of Foxfield constructed a collector streets (Smithfield Drive and Layla Drive) between Coblentz Road and Hollow Road. These streets are north of US 40-A and parallel that State Highway. A 150' right-of-way running in a north/south direction is also reserved through the subdivision for future extension of a parkway route as shown in the accompanying maps.

Middletown has also actively seeking County and State participation in further study for a Middletown road south of Town shown in both this Plan and the Frederick County Middletown Regional Comprehensive Plan for a road from US 40-A at Brookridge South to Rt. 40-A at the Town Plaza Shopping Center. The County no longer has listed this as a Secondary Road Priority.

Middletown participated in the Maryland National Road Partnership Program to nominate the Old National Pike which runs through Middletown (Main St.) from Baltimore to the Pennsylvania line as an "All American Road". A ribbon-cutting ceremony to recognize the National Road as an All-American Road was held on May 8, 2003 at the Frederick Visitor's Center on Interstate 70. The National Road has also been designated as a Maryland Scenic Byway.

### TRAFFIC VOLUMES

Traffic volume data gives insight into the function of various roads throughout the Region and around the Town. Low traffic counts would indicate the function of the road is predominately local access while higher counts indicate the function of the road is more than just local access

Commented [CU1]: This section still needs to be updated

and includes through traffic movements. Traffic counts are available on State roads and on certain County roads in the Middletown area. The Traffic Count map, following this section of the Plan, shows the latest available traffic counts as well as some prior year's counts which can measure the increase in traffic volume over the years.

US 40-A east of Middletown has the highest non-interstate traffic volumes in the Middletown Region. Between 1971 and 1995 traffic increased 280% on US 40-A east of Middletown and 340% west of Middletown. MD Rt. 17 south of Middletown increased 430% and 350% north of Middletown, during that same period.

The Frederick County Division of Public Works is responsible for collecting traffic counts on the County road system, which assists in identifying trends and prioritizing improvements in the County. The counts are taken with machines which are typically in place for 2-3 days in the middle of the week. The numbers are referred to as the Average Annual Daily Traffic (AADT), which reflects the amount of traffic in both directions for a 24-hour period. The counts are done generally every three years, and seasonal and temporal variations in traffic levels can occur. The most recent counts done in the Middletown vicinity were made in ~~2007 and 2008~~. See Figure 5-2, Traffic Volume map.

High traffic volumes on US 40-A and MD 17 and the percentage increase in these volumes indicate changes and events outside the Town limits. The two major causes of the traffic increases on these routes are the continued development in the rural areas of Frederick County and the development outside of Frederick County, in West Virginia and Washington County, Maryland. State Highway Administration improvements of MD 17 from Burkittsville to Middletown and MD Rt. 34 from West Virginia to Boonsboro have increased use of these routes. While the Town's transportation system is affected by outside development, the Town has no control over development in these areas.

#### US 40-A CONGESTION

The extent of through traffic in the center of Town on US 40-A has generated several studies of existing and projected traffic volumes as well as alternatives to relieve the traffic congestion. As a result of these studies, the Frederick County Middletown Region Plan (1997) designated ~~a~~ a southern route around Middletown and extending to I-70 and a collector to connect MD Rte. 17 to the extension to I-70. The purpose of an alternative route in the form of a parkway is to remove the heavy traffic volume through the center of Town. Over the ~~past thirty~~ years, the Town has expended all of its efforts with SHA and the County to get action on this. At this time, the Town will identify both bypasses in the hope that one will be developed over time as development occurs.

The Middletown Downtown Revitalization Study conducted by Hyder (ARRO Engineering) was completed in connection with the (most recent) southern bypass study. It evaluated traffic movements through Middletown during the A.M. and P.M. peak (rush) hours. The results from the Origin & Destination Study indicated that the majority of the traffic through downtown in the A.M. peak is from the west and the south, heading east, and the reverse in the P.M. peak. The existing average daily traffic (ADT) in 1996 on US 40-A through Town was 13,500, which was expected to increase to over 23,300 by the year 2010 without any highway improvements. ~~Based on 2019 data from the State of Maryland, that expected increase did not occur. The traffic~~

volume on US 40-A just east of MD 17 was 11,653, and just west of MD 17 it was 8,560. Over Braddock Mountain, there is an approximate 70%-30% split in the peak hours, with the majority of the traffic heading east in the A.M., and west in the P.M. Existing ADT on US 40-A over Braddock Heights is 18,000. The traffic volume just west of the I-70 ramps along US 40-A in 2019 was 20,810.

While both southern and northern alternatives would relieve traffic congestion in downtown Middletown, the high traffic volumes through Braddock Heights would remain. The most recent study considered the possibility of an interchange on I-70 at Hollow Road, although it is not certain whether an interchange would be approved at this location. At the present time, the Town of Middletown has through the annexation process, commitments for dedication of rights-of-way through the two subdivisions (Brookridge South subdivision and the Middletown Parkway was built as part of the Glenbrook subdivision development) for a southern parkway. In addition, right-of-way has been reserved through the Middletown South Subdivision and Holy Family Catholic Church. Sections of a northern collection road have been included in the Foxfield Subdivision.

In addition to problems created by high traffic volumes and the need for an alternative route, other traffic problem areas exist. As with many Towns which developed prior to the automobile, the older streets are narrower than what would be required under current standards. Development occurred in close proximity to the traveled roadways leaving little room for road improvements. Increased traffic has increased the problem created by narrow roadways. In particular, intersections of narrow streets become problem areas. Intersection problems in Town include the West Main Street/Walnut Street intersection and the Washington Street/Church Street intersection. The difficulty with the Walnut Street intersection is the angle and grade of the intersection and the problem with the Washington Street intersection is the steep grade from Church Street. All of the older downtown streets are narrow including particular problems with South Jefferson Street, Koogle Drive and Summers Drive. Due to existing historic structures at the intersection of Church Street and Main Street, widening options to make geometric improvements for increased pedestrian safety are not possible. Pedestrian safety improvements at intersections might be accomplished in the form of pavement markings, signing or signal improvements.

#### State Highway Administration Streetscape Project – Alternate 40(A)

The State Highway Administration funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, 2016. The limits of the project extended from the western edge of town to the eastern edge of town, and included the replacement of water mains from Coblenz Road to Eastern Circle. The SHA scope of work included replacement of storm water lines in the Main Street SHA right-of-ways and relocating some utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks. The project also included landscaping and planting of new trees. The project was completed Fall of 2020.



#### Walnut Street Bridge Reconstruction

In 2013, the bridge on Walnut Street over Tanners Run was replaced due to its deterioration over time. The bridge is located approximately 500 feet from the intersection of Walnut Street and

West Main Street. In addition to the replacement of the superstructure and the rehabilitation of the bridge abutments, roadway approaches and storm drainage improvements were made as well.



#### Parking Lot Improvements

The parking lot at the corner of East Green Street and North Church Street has recently been designated as a public parking lot and landscaping has been added to enhance the lot. The Elm Street parking lot was renovated in 2019 to add lighting, an EV charging station, planting beds and associated tree, shrub and flower plantings. A handicap access ramp was added to the back of the Municipal Center in 2020, and public parking spaces were added on West Green Street with the West Green Street improvements.

### **ALTERNATE TRANSPORTATION OPTIONS**

Towns the size of Middletown generally cannot support public transportation services. At present, Frederick County's TransIT plus, which is a County operated transportation service, provides demand-response transportation service for medical assistance recipients (for medical appointments only, where public transit is not available), senior citizens and persons with disabilities. Local taxicab companies which operate 24-hour service, 7 days a week, also serve Frederick County. Virtually all other transportation is either vehicular or pedestrian. US 40 Alternate is designated by SHA as an on-road bicycle route, although no and with the recent streetscape project marked bicycle lanes are provided. As part of the statewide bikeway network, local officials should work with SHA to enhance opportunities to improve conditions for bicyclists including the provision of bicycle racks in the Main Street business district. No other on-road or off-road bicycle ways currently exist in the Town.

Commuter service to the Washington metropolitan areas is provided by Maryland Transit Administration (MTA) bus route 991 during weekdays at peak morning and evening hours. The service operates from the Park and Ride lot off MD Route 17 south of Myersville to the City of Frederick, Urbana and the Shady Grove Metro Station in Montgomery County. The 201507 Frederick County Transportation Development Plan has identified the Town of Middletown as a possible place for additional service needs, priority regional community for future expansion of shuttle route service from the Town to the City of Frederick/MARC commuter rail stations. The MARC commuter rail line carries passengers from locations in Frederick to Washington D.C.

## SIDEWALKS

Sidewalks provide a link for people and their community. Distances which could easily be traveled on foot will not be done if there isn't a safe, accessible sidewalk or path. As such, the sidewalk system can provide an important function in encouraging more pedestrian movements for nearby trips. The Town supports Frederick County in working with the Safe Routes to Schools Program to improve bicycle/pedestrian safety, in particular at intersection crossings, and provide pedestrian education and greater ADA accessibility.

The existence of sidewalks in Middletown is predominately in the oldest and newest areas of Town although new sidewalks have been installed along West Green Street, East Main Street and Broad Street in recent years. The Town did begin working with the State Highway Administration on a Main Street Project that would revitalize much of RT 40 A through Town, but the project was placed on hold by SHA. Middletown now has about 54 miles of sidewalks. Church Street has sidewalks both north of Main and south of Main from Green Street south to Broad Street. Other streets which have sidewalks for a large portion of their length include Jefferson Street, Prospect Street and Broad Street. Major subdivisions which have been built since the 1970's which also have sidewalks include Jefferson Village, Brookridge South, North Pointe, Glenbrook, Cone Branch Estates and Foxfield. Notable areas where sidewalks are not present are in the Woodmere North and South Subdivisions, and Jefferson Street extended, and along West Green Street. Improvements to West Green Street are in the planning process. To date, the Town has installed roughly 4 miles of sidewalks using the State Highway Retrofit program.

Commented [CU2]: Update?

## GREENWAYS/PATHS

The undeveloped lands around Middletown provide an opportunity for a shared path or greenway system. These greenways and paths would be located on a combination of stream valleys, public lands and existing public road rights-of-way. Greenways would surround the town and connect with proposed county paths following the Catocin Creek and following trolley lines from Myersville. The Town will support coordination with Frederick County to encourage shared use path connections between Middletown and the City of Frederick, Myersville and along Catocin Creek.

**Commented [CU3]:** Should information be included about the pedestrian pathway off of Glenbrook Drive to connect with the County's Fountaindale subdivision?

Beginning at Remsberg Park, a path has been constructed on the east side of the Middletown Parkway to Main Street. From there it would need to traverse through the AC Jets property and continue through the Foxfield development using land from the existing right-of-way of the Middletown Parkway. This path would connect with the existing Foxfield Path on the perimeter of Foxfield. This existing Foxfield Path would continue through ~~any~~ the newly annexed land ~~that may be annexed~~ west of Coblenz Road, and then continue behind the Middletown Middle/High School complex. This path would also connect to the existing and planned paths in the Middletown County Park.

After crossing Route 17, the path would connect with North Pointe and then southward across Route 40A to the Wiles Branch Park paths. These paths would then continue south of Middletown connecting with Remsberg Park, forming a Greenway around Middletown. In addition, a path ~~was recently constructed that is planned to~~ connects the walkway on Cone Branch to a path starting from Route 40A to the Middletown Primary School and then onward to Remsberg Park; this pathway ~~would ultimately~~ connects the Remsberg Park and the Middletown Primary School to the Middle/High School complex and the Middletown County Park. See Figure 5-3, Greenway Map.

## Transportation Issues

1. A major priority of the Middletown planning effort is the construction of a parkway to reduce through traffic in the center of Town. The Town can facilitate the construction of a parkway by reserving road right-of-ways during the development review process. Parkway roads can also be built to standards determined by the Town and funded by development. The most likely way to get developer built roads is through properties approved for development.
2. Road construction is governed by street design standards found in the Middletown Design Manual. New road construction needs to be better integrated into the character of the Town and to the relationship with Main Street. New roads should compliment the existing Town street pattern. The Town should consider the appropriate streets for bicycle lanes, or wider shoulders, and design these streets accordingly.
3. The recommendations for the roads around Middletown on the Frederick County Comprehensive Plan should be reviewed for acceptance into the Town.
4. The Town should study concepts for revitalization of downtown streets.

**Commented [CU4]:** ??

5. The Town should consider improvements to the sidewalk system for continuous connections throughout Middletown thus developing a uniform pedestrian experience.

#### Transportation Goals:

1. Provide safe, reliable circulation within the Town.
2. Improve transportation links with the roads outside of the Town limits.
3. Establish traffic count data levels for future planning efforts.
4. Provide additional sidewalk connections where needed.

#### Transportation Objectives & Policies

1. Middletown will continue to pursue the identification and construction of a parkway, as well as alternative approaches to reducing through traffic along US Route 40-A. This includes participation by the Town in several ongoing studies being conducted by the Maryland Department of Transportation and the State Highway Administration.
2. The planned improvements to the transportation system shall correspond to and support the overall Municipal Growth Plan, including scaling of streets to foster community cohesiveness and the provision of inter-connected streets where possible.
3. Planned road improvements shown in the Comprehensive Plan will be required to be provided during development review with an emphasis on construction and dedication over reservation. In addition, the development review process will consider transit, bicycle and pedestrian improvement requirements.
4. Middletown will consider alternative transportation proposals which reduce traffic congestion. This can include improvements to sidewalk systems, and pedestrian shared use paths, consideration of road design to include bicycle path lanes or wider shoulders, and the role the Town government may play in ridesharing/carpooling programs. Furthermore, in recognition of the fact that US 40A has been designated as an existing or future bikeway by SHA, the Town could work to ensure that bicycle parking and other amenities and enticements are available to the long-distance bicyclists traveling between Central and Western Maryland and points west.
5. The Town will require dedication or reservation of land during subdivision review for potential greenway connections.

Commented [CU5]: ?

#### Transportation Plans

The purpose of the transportation proposals is to identify new road links, the type of road to be built, and other transportation proposals needed to facilitate the movement of people. A functional classification system has been adopted which designates local, collector and arterial road standards. The location of collector and arterial streets has been identified and mapped so that reservation or dedication can be required during the development review process. Additional transportation proposals will also be discussed.

Commented [CU6]: ?

Functional Classification System – See Figure 5-4, Transportation Map.

**Arterials** - These are roads which support the County interstate system in providing longer distance connections from the rural areas outside of Town and linking Middletown with other communities in the County. They carry moderate to high volumes of traffic and typically provide access to the interstate system. They should have bicycle and pedestrian accommodations in the form of shoulders/sidewalks and/or parallel shared use paths. Arterial roads such as Holter Road and MD Rt. 17 will be within an 80 ft. right-of-way. The parkway alternative will require a 150 ft. right-of-way with limited access in accordance with State Highway Administration requirements. The Arterials listed on the Plan are as follows:

Northern parkway (new road connection)  
Southern parkway (new road connection)  
Middletown Parkway  
MD 17 south of town limits  
MD 17 north of town limits  
Holter Road south of Middletown Parkway  
Rt. 40-A/Main Street

**Collectors** - Collector roads support the arterial road system by carrying traffic from the local roads and subdivisions to the arterial road network. All Collector road improvements shall require bicycle and pedestrian accommodations in the form of shoulders/sidewalks and/or parallel shared use paths. Collector links have been identified on the Plan's Transportation Map; however, additional Collector links may be needed. Collectors identified are as follows:

Church Street  
Franklin Street (north of southern parkway)  
Coblentz Road  
Layla Drive (between Hollow Road & Smithfield Drive)  
Smithfield Drive  
Glenbrook Drive to the second intersection with Stone Springs Lane  
North Pointe Terrace up to first intersection with West Green Street  
East Green Street  
West Green Street (planned upgrade)  
Cone Branch Drive up to Foxfield Pass

**Local Roads** – Local roads provide direct access to abutting properties and are designed to handle relatively low traffic volumes. New Local roads have not been identified on the plans and shall be provided as individual properties develop according to the specific needs of the development. All local road improvements shall require curb, gutter and sidewalks with a pavement width of 32-36 ft., within a 50-60 ft. right-of-way.

Other Transportation Related Implementation Recommendations

While traffic movement is primarily related to the automobile, the Town can play a role in non-automobile related transportation efforts. Primarily, these efforts will be related to movement of people within the Town limits for recreation, shopping and schools. These include

designation of greenways along stream valley areas for hiking and designation of a bicycle route through Town, as well as planning for on and off-street routes connecting to other communities.

Finally, the Town should explore the role that could be played in ride-sharing and carpooling. As a Town service, the Town could provide matching of people with destinations. This could be accomplished by simply matching individuals for pickup at homes or by provision of a ride-share parking lot.



**WHEREAS**, Main Street Middletown, MD Inc. is a local nonprofit organization dedicated to enhancing the sense of place, quality of life, and economic vitality of the Middletown Community; bringing together citizens, businesses, and government as well as county and statewide partners to revitalize, preserve, promote, and support the historic downtown area

**WHEREAS**, Main Street Middletown, MD Inc. and the Town of Middletown wish to acknowledge that Middletown businesses play a pivotal role in strengthening our community by their dedication to bringing excellence to their profession, business, and to the community; thereby enhancing the economic well-being of all Middletown citizens;

**WHEREAS**, the Middletown Burgess and Commissioners are pleased to recognize the accomplishments of our entrepreneurs and local business leaders that contribute greatly to the vitality of our community;

**WHEREAS**, The Burgess and Commissioners are also appreciative of the responsiveness of the business community to continue to serve the Middletown community in a safe and effective way during the COVID-19 pandemic;

**WHEREAS**, it is fitting to offer the citizens of Middletown a unique opportunity to recognize Middletown's businesses for the essential role they play in moving Middletown forward; and

**NOW, THEREFORE**, We, the Burgess and Commissioners, by virtue of the authority vested in us as Burgess and Commissioners of Middletown, Maryland, do hereby proclaim the week of October 5-9, 2020 as

## **BUSINESS APPRECIATION WEEK**

**IN WITNESS WHEREOF**, We have hereunto set our hands and caused the Seal of Middletown, Maryland to be affixed this \_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, two thousand twenty.

\_\_\_\_\_  
Burgess John D. Miller

\_\_\_\_\_  
Commissioner Rick Dietrick

\_\_\_\_\_  
Commissioner Christopher Goodman

\_\_\_\_\_  
Commissioner Jennifer Falcinelli

\_\_\_\_\_  
Commissioner Jean Lapadula



**Burgess and Commissioners of  
Middletown, Maryland**

**Water Supply Capacity Management Plan  
2019**

## **General Information**

### **PURPOSE OF THE WATER SUPPLY CAPACITY MANAGEMENT PLAN (WSCMP)**

This WSCMP is provided to assist the Town Board and Planning Commission in determining the capacity of their water supply systems and in allocating the remaining capacity in a responsible manner. Having an adequate water supply that meets the existing and future water demand in a community is vital for public health protection. Having accurate allocation information, combined with reasonable demand projections, will help ensure that water supply systems achieve a high level of public health protection; operate within Water Appropriation Permit parameters; operate within the limitations of their system to produce safe water; and meet the water supply needs of future residential, commercial, and industrial users in a timely manner. This plan enables the Town to:

- ❖ • Identify when the demand for water is approaching or exceeding the safe capacity of the water supply system;
- ❖ • Provide timely and critical information to the Local Health Officer, Environmental Health Director, and elected officials for the approval of subdivision plats and building permits;
- ❖ • Make commitments for new connections with confidence that there is adequate capacity to serve new as well as existing customers;
- ❖ • Determine when the approval of subdivision plats and the issuance of additional building permits need to be curtailed until improvements are completed to meet the additional water demand;
- ❖ • Plan for needed water supply system improvements to ensure continued adequacy of the water system as new growth occurs and as water demand increases; and
- ❖ • Provide an adequate water supply in order to ensure the protection of public health.

### **LEGAL MANDATES**

It is essential for local governments to carefully manage the allocation of water to new residential, commercial and industrial customers, in conformance with local Comprehensive Plans, County Water and Sewerage Plans, Water Appropriation Permits, and the requirements of the Annotated Code of Maryland pertaining to building permits and subdivision plats. Local governments must ensure that the water supply will be adequate to meet the demand of existing and new users and must allocate any available water in accordance with State as well as local requirements.

The Environment Article of the Annotated Code of Maryland sets forth the State requirements for insuring the adequacy of the water supply to serve new development as well as the authority of the Secretary of the Department to require Water Supply Capacity Management Plans:

#### **§ 9-512 (b) Building Permits – Conformity with county plan; issuance of building permits. –**

*(1) A State or local authority may not issue a building permit unless:*

- (i) The water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area;*
- (ii) Any water supply system, sewerage system, or solid waste acceptance facility described in the application will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste; ...*

**§ 9-512 (d) Subdivision plats – Conformity with county plan; recording or approving subdivision plats. –**

*(1) A State or local authority may not record or approve a subdivision plat unless any approved facility for conveying, pumping, storing, or treating water, sewage or solid waste to serve the proposed development would be:*

- (i) Completed in time to serve the proposed development; and*
- (ii) Adequate to serve the proposed development, once completed, without overloading any water supply system, sewerage system, or solid waste acceptance facility.*

*(2) Each water supply system, sewerage system, and solid waste acceptance facility in a subdivision shall:*

- (i) Conform to the applicable county plan; and*
- (ii) Take into consideration all present and approved subdivision plats and building permits in the service area.*

**§ 9-205. Submitting plans for existing water supply system, sewerage system, or refuse disposal system for public use.**

*(a) "Authority" defined. – In this section, "authority" means a water, sewerage, or sanitary district authority.*

*(b) Application of section. – This section applies only to any water supply system, sewerage system, or refuse disposal system that is for public use in this State.*

*(c) Required plans, specifications, and reports – In general. – Any authority or person who owns a water supply system, sewerage system, or refuse disposal system or who supplies or is authorized to supply water, sewerage, or refuse disposal service to the public shall submit to the Secretary:*

*(1) A certified copy of the complete plans for the water supply system, sewerage system, or refuse disposal system that:*

- (i) Is correct on the date of submission; and*
- (ii) Is of the scope and detail that the Secretary requires; and*

*(2) Any existing specifications of or reports on the water supply system, sewerage system, or refuse disposal system.*

*(d) Same – Exceptions. – If plans do not exist or are of insufficient scope or detail, the authority or person who is required to submit the plans shall:*

- (1) Prepare and submit to the Secretary new or supplemented plans; and*
- (2) Make any investigation that is necessary to ensure that the new or supplemented plans are correct.*

*(e) Additional information. –*

*(1) The Secretary may request any other information about the water supply system, sewerage system, or refuse disposal system, including information or records on maintenance and operation, that the Secretary considers appropriate.*

*(2) Any authority or person to whom a request is made under paragraph (1) of this subsection shall submit the information or records to the Secretary.*

In addition to the required State mandates, the Town has also passed legislation to ensure capacity is available. In April of 2003, the Town Board passed the Water & Sewer Certification Ordinance which requires capacity to be available prior the approval of improvement plans:

#### **16.12.055 Water and sewer capacity certification**

*A. Upon approval of the preliminary plat, the town administrator shall conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision or the development project thereon. The review and analysis shall be conducted in coordination with the director of operations and construction and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision or project. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision or project for water and sewer shall be based upon a daily consumption of two hundred and fifty (250) gallons per equivalent dwelling unit as per the standards of the American Water and Wastewater Association.*

*B. If the town administrator determines that there is sufficient water and sewer capacity to service the proposed subdivision or project, then he shall issue a certificate of water and sewer capacity for the proposed subdivision or project.*

*C. If the town administrator determines that there is not sufficient water and sewer capacity to service the proposed subdivision or project, then a certificate of water and sewer capacity shall not be issued for the proposed subdivision or project.*

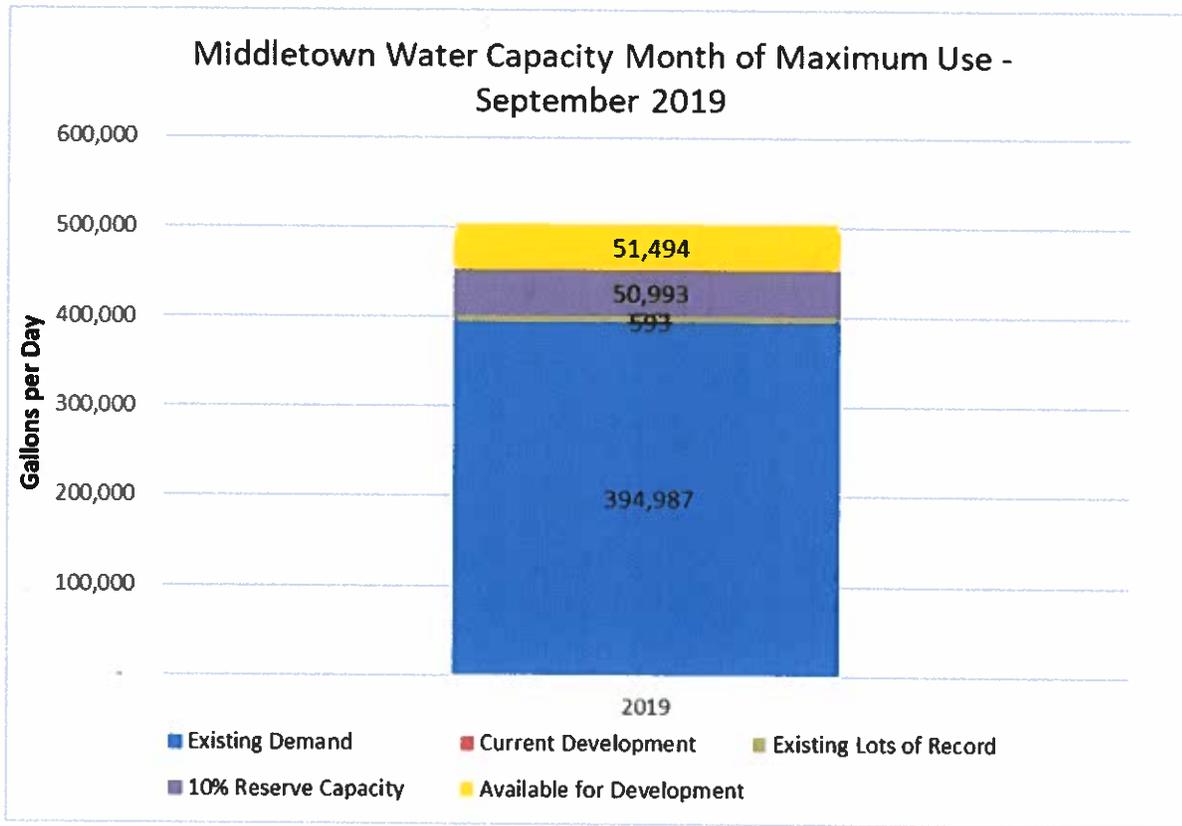
*D. The planning commission shall not approve any improvement plans for the proposed subdivision or project unless a certificate of water and sewer capacity has been issued for the proposed subdivision or project.*

*E. If an approved preliminary plat is revised after a certificate of water and sewer capacity has been issued and the revision is approved by the planning commission, and if the effect of the revision does not increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then a new certificate of water and sewer capacity shall not be required, and the previously issued certificate shall remain valid. If the effect of such approved revision is to increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then the previously issued certificate shall be void, and a new certificate shall be issued, if appropriate, in accordance with the procedures set forth above.*

*(Ord. 03-04-01 §1, 2003)*

**Month of Maximum Use**

The Town of Middletown’s current water system capacity, based on calculations by flow is 89.8%.



***\*\*Calculation do not include Memar Annexation***

**Summary and Recommendations**

Based on the calculation, in accordance with MDE guidance, the Town has 128 (32,132gpd / 250gpd) water taps available based on the capacity analysis.

## Executive Summary

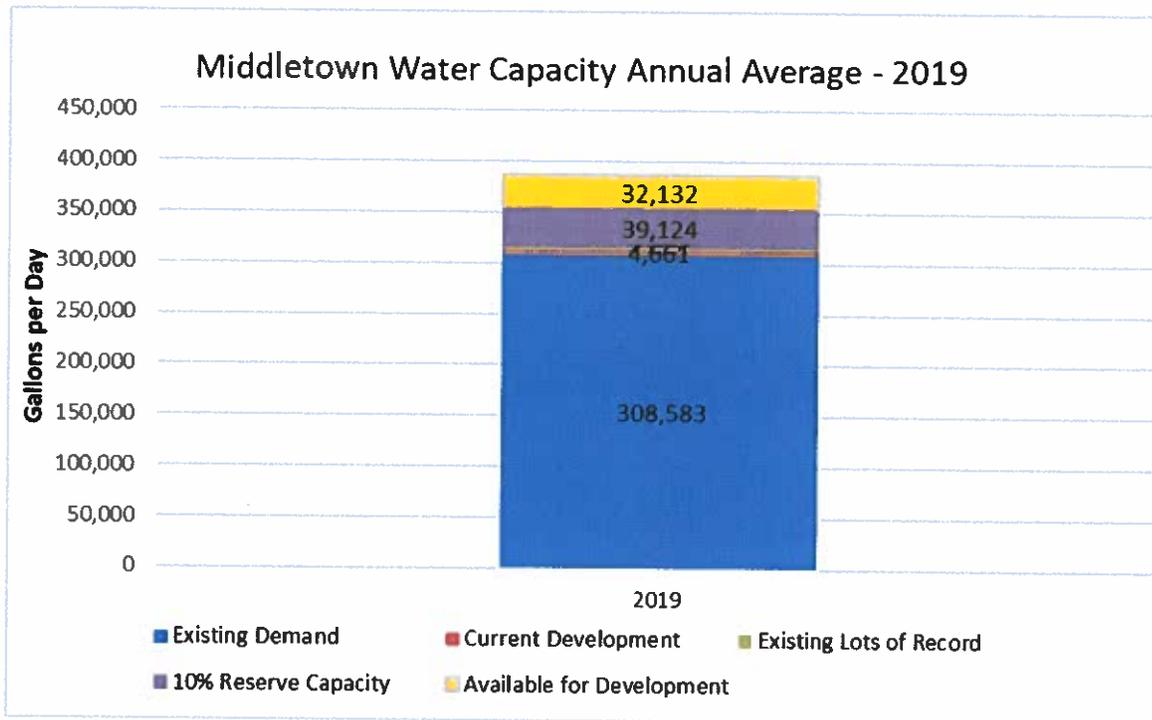
The Middletown water system is supplied by twenty-three (23) wells and four (4) major groups of springs located on the west side of the Catoctin Mountain, north of town. Water from the springs flow by gravity to two (2) in-ground reservoirs with a combined capacity of two million gallons. Water treatment consists of adding caustic soda, for pH adjustment, chlorine, as a disinfectant to protect against microbial contaminants. From the plant, the water is pumped to our 400,000 gallon elevated storage tank.

The Town currently has Water Appropriation Permits in the Hollow Creek, Cone Branch, and Catoctin Watersheds. The combined permit limits for withdraw are 387,000 gpd Annual Average and 504,000 gpd Month of Maximum Use. The current capacity of the Town's water supply, during drought conditions, has been determined by MDE to be 533,640 gpd.

The information contained in this report was generated following the details specified in the Guidance Document – *Water Supply Capacity Management Plans* as prepared by the Maryland Department of the Environment.

### Annual Average

The Town of Middletown's current water system capacity, based on flow is 91.7%.



**\*\*Calculation do not include Memar Annexation**



**Burgess and Commissioners of  
Middletown, Maryland**

**Wastewater Capacity Management Plan 2019**

## **General Information**

### PURPOSE OF THE WASTEWATER CAPACITY MANAGEMENT PLAN (WWCMP)

This WWCMP is provided to assist the Town Board and Planning Commission to determine plant capacity and to track the remaining available capacity for allocation. Because of the significant lead time required for measures such as sewer rehabilitation or facility expansion, the WWCMP emphasizes the need to plan ahead to ensure that growth takes place without overloading sewage facilities. The guide enables the Town to:

- ❖ • Identify when a treatment plant's actual flows are approaching or exceeding the design capacity;
- ❖ • Make commitments for new connections with confidence that there is adequate capacity to serve the new as well as existing customers;
- ❖ • Determine when the issuance of additional building permits must be curtailed until improvements are completed so that the treatment plant can maintain compliance with its discharge permit;
- ❖ • Have more lead-time to plan for needed collection and wastewater treatment system upgrades to accommodate new growth and to arrange for the financing of the improvements;
- ❖ • Become more aware of how your facility is performing; and be encouraged to take appropriate steps to address or prevent increased flows before effluent violations, regular bypassing, or overflows occur; and
- ❖ • Provide Town Board and Planning Commission with the information needed to make informed decisions about the capacity of their wastewater systems and the ability to accommodate new connections.

### LEGAL MANDATES

The Town faces many challenges to maintain and operate these systems in compliance with federal and State laws and regulations. The cost to keep these increasingly complex facilities operating properly continues to increase. The ability to raise rates to keep pace with these costs is a challenge. Perhaps most challenging, however, is the need to manage the allocation of flow to new customers for residential, commercial, and industrial use, in conformance with local land use, water and sewerage plans, and the NPDES permit limits. The following language from the Maryland Environment Article makes it clear that the authority responsible for issuing building permits and subdivision plat approvals must ensure that adequate capacity is or will be available:

#### **§ 9-512 (b) Building Permits – Conformity with County Plan; Issuance of Building Permits**

- (1) A State or local authority may not issue a building permit unless:*
- (i) The water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area;*

*(ii) Any water supply system, sewerage system, or solid waste acceptance facility described in the application will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste;...*

#### **§ 9-512 (d) Subdivision Plats**

*(1) A State or local authority may not record or approve a subdivision plat unless any approved facility for conveying, pumping, storing, or treating water, sewage, or solid waste to serve the proposed development would be:*

*(i) Completed in time to serve the proposed development; and*

*(ii) Adequate to serve the proposed development, once completed, without overloading any water supply system, sewerage system, or solid waste acceptance facility.*

*(2) Each water supply system, sewerage system, and solid waste acceptance facility in a subdivision shall:*

*(i) Conform to the applicable county plan; and*

*(ii) Take into consideration all present and approved subdivision plats and building permits in the service area.*

In addition to the required State mandates, the Town has also passed legislation to ensure capacity is available. In April of 2003, the Town Board passed the Water & Sewer Certification Ordinance which requires capacity to be available prior to the approval of improvement plans:

#### **16.12.055 Water and sewer capacity certification**

*A. Upon approval of the preliminary plat, the town administrator shall conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision or the development project thereon. The review and analysis shall be conducted in coordination with the director of operations and construction and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision or project. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision or project for water and sewer shall be based upon a daily consumption of two hundred and fifty (250) gallons per equivalent dwelling unit as per the standards of the American Water and Wastewater Association.*

*B. If the town administrator determines that there is sufficient water and sewer capacity to service the proposed subdivision or project, then he shall issue a certificate of water and sewer capacity for the proposed subdivision or project.*

*C. If the town administrator determines that there is not sufficient water and sewer capacity to service the proposed subdivision or project, then a certificate of water and sewer capacity shall not be issued for the proposed subdivision or project.*

*D. The planning commission shall not approve any improvement plans for the proposed subdivision or project unless a certificate of water and sewer capacity has been issued for the proposed subdivision or project.*

*E. If an approved preliminary plat is revised after a certificate of water and sewer capacity has been issued and the revision is approved by the planning commission, and if the effect of the revision does not increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then a new certificate of water and sewer capacity shall not be required, and the previously issued certificate shall remain valid. If the effect of such approved revision is to increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then the previously issued certificate shall be void, and a new certificate shall be issued, if appropriate, in accordance with the procedures set forth above.*

*(Ord. 03-04-01 §1, 2003)*

## Executive Summary

The Middletown sewage system consists of a 0.250 mgd treatment plant located on the west side of Town (West WWTP), and a 0.350 mgd activated sludge plant (expandable to 0.700 mgd) located on the east side of Town (East WWTP), three (3) sewage pump stations, and a network of 8" to 12" sanitary sewer lines. The West WWTP, which was designed in 1973, became operational in 1976 and replaced an older facility. The East WWTP, located on Holter Road, was constructed in 1999-2000 and became operational on June 14, 2000.

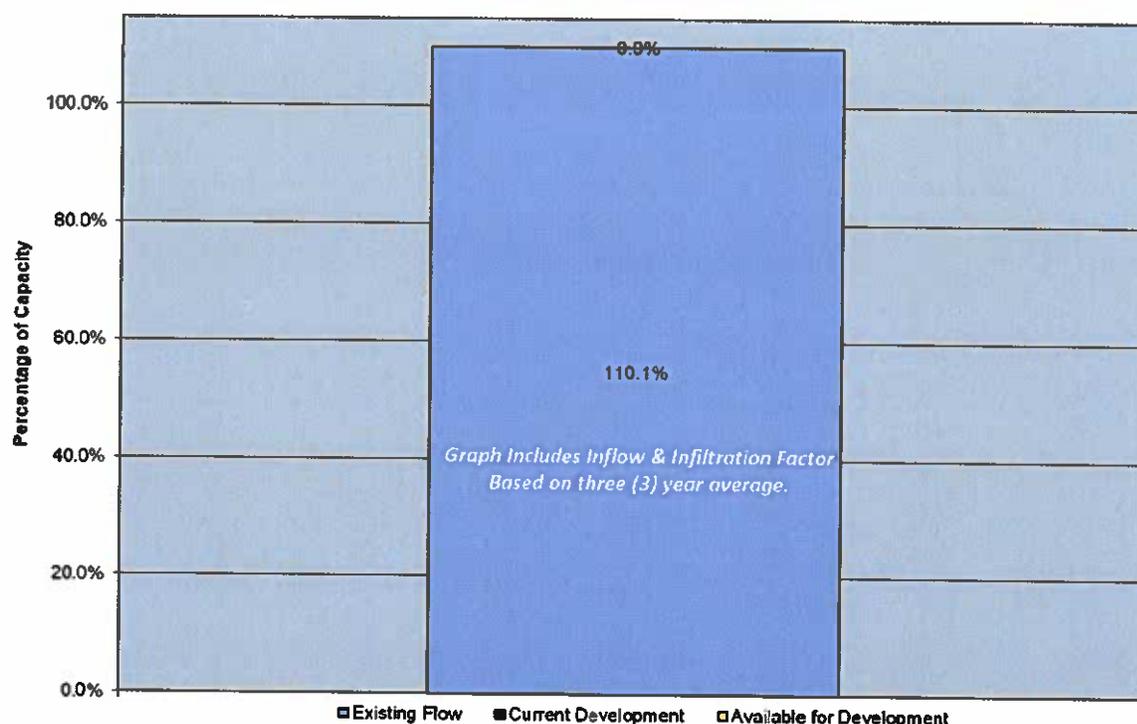
The West WWTP plant has a design capacity of 0.250 mgd with an NPDES Permit for the same. The East WWTP plant has a design capacity of 0.350 mgd with an NPDES Permit for 0.250 mgd. In calculating the capacity for the Town, the design and permit capacities were combined for an overall total of 0.600 mgd and 0.500 mgd respectively.

The information contained in this report was generated following the details specified in the Guidance Document – *Wastewater Capacity Management Plans* as prepared by the Maryland Department of the Environment.

### Permitted Capacity

The Town of Middletown's current sewer system capacity, based on calculations by flow is 110%.

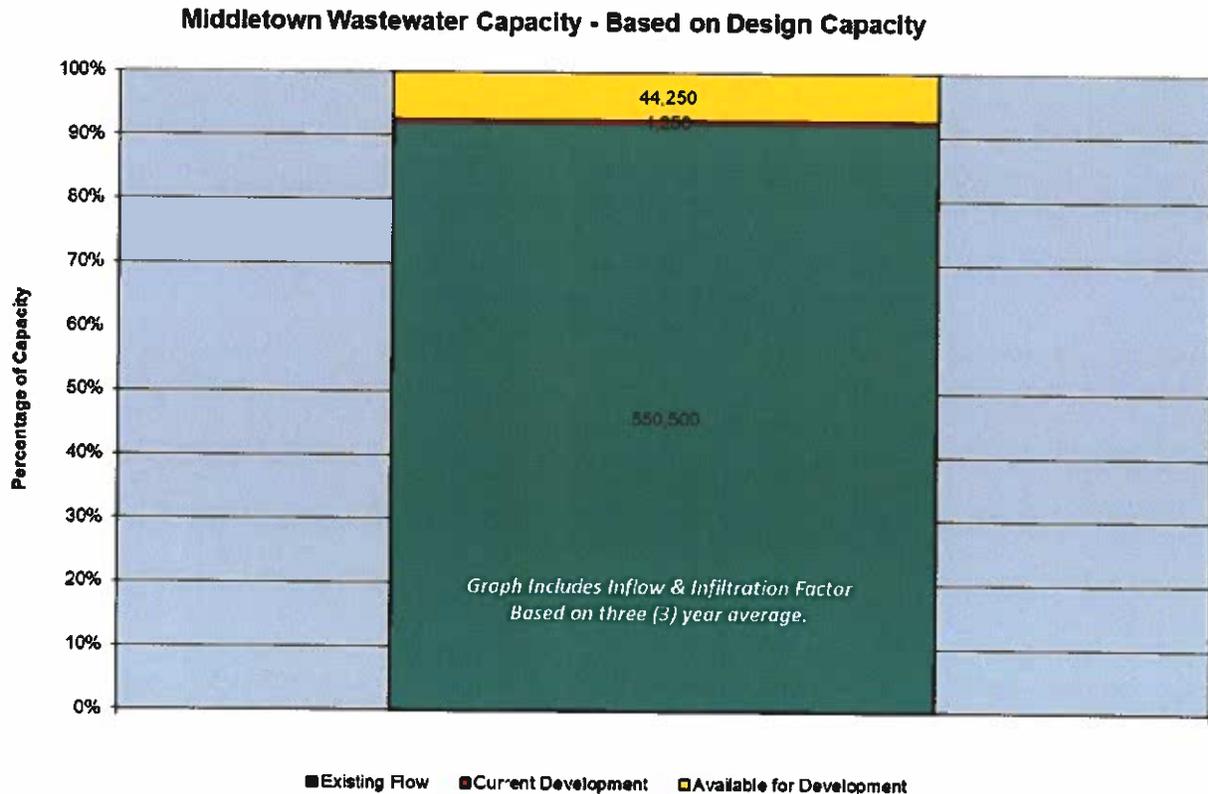
**Middletown Wastewater Capacity - Based on Existing NPDES Permits**



**\*\*Calculation do not include Memar Annexation**

## Design Capacity

The Town of Middletown's sewer system design capacity, based on calculations by flow, is at 92%.



**\*\*Calculation do not include Memar Annexation**

## Summary and Recommendations

Based on the current permitted capacity of 0.500 mgd the Town has permitted capacity for existing lots of record. The Town should not approve any future Subdivision Plans until the Town has increased its permit capacity at the East WWTP or reduced its I&I.

The primary cause of the loss of capacity in the past year is due to the increase in I&I in the Town's sanitary sewer collection system, which was directly related to the extremely wet year of 2018. A major I&I project to replace the interceptor from South Jefferson Street to the West WWTP, budgeted in the Town's CIP, is anticipated to reduce I&I significantly. In addition, since the capacity is calculated on the past three (3) year average next should see a significant decrease in I&I with normal or low rainfall amount projected for 2020.

It is recommended that the East WWTP increase its permitted capacity to the full design capacity of 0.350 MGD and the Town continue to pursue I&I reduction projects to avoid I&I impacting sewer plant(s) capacities.

## Calculations Based on Flows

	East WWTP	West WWTP	Combined	Rainfall	WTP	I&I
2017 January	0.177	0.233	0.410	0.95	0.305	0.105
February	0.140	0.187	0.327	0.50	0.295	0.032
March	0.171	0.170	0.341	0.60	0.290	0.051
April	0.203	0.259	0.462	1.30	0.321	0.141
May	0.291	0.253	0.544	1.40	0.316	0.228
June	0.249	0.169	0.418	1.40	0.304	0.114
July	0.261	0.171	0.432	1.90	0.325	0.107
August	0.249	0.211	0.460	1.30	0.320	0.140
September	0.240	0.191	0.431	1.75	0.311	0.120
October	0.230	0.175	0.405	1.30	0.332	0.073
November	0.245	0.214	0.459	0.50	0.293	0.166
December	0.266	0.198	0.464	0.40	0.308	0.156
2018 January	0.247	0.201	0.448	1.85	0.305	0.143
February	0.337	0.373	0.710	1.10	0.295	0.415
March	0.294	0.229	0.523	0.65	0.290	0.233
April	0.282	0.235	0.517	2.00	0.321	0.196
May	0.384	0.386	0.770	3.30	0.316	0.454
June	0.303	0.345	0.648	1.10	0.304	0.344
July	0.288	0.380	0.668	3.75	0.325	0.343
August	0.267	0.268	0.535	1.90	0.320	0.215
September	0.352	0.540	0.892	1.90	0.311	0.581
October	0.240	0.325	0.565	0.80	0.332	0.233
November	0.364	0.586	0.950	1.30	0.293	0.657
December	0.280	0.550	0.830	1.10	0.308	0.522
2019 January	0.268	0.562	0.830	1.40	0.311	0.519
February	0.254	0.487	0.741	0.80	0.306	0.435
March	0.284	0.534	0.818	2.80	0.303	0.515
April	0.228	0.394	0.622	1.50	0.321	0.301
May	0.279	0.542	0.821	1.60	0.328	0.493
June	0.219	0.233	0.452	0.80	0.321	0.131
July	0.218	0.260	0.478	2.70	0.302	0.176
August	0.159	0.158	0.317	0.50	0.301	0.016
September	0.154	0.141	0.295	0.40	0.339	-0.044
October	0.184	0.180	0.364	1.00	0.316	0.048
November	0.200	0.218	0.418	1.40	0.284	0.134
December	0.230	0.223	0.453	0.90	0.298	0.155
<b>3 Year Average</b>	0.251	0.299	0.551			
<b>Design Capacity</b>	0.350	0.250	0.600			
<b>% Capacity</b>	71.72%	119.79%	91.75%			

### Annual Average Calculations

Average Annual Flow for 2017	0.429
Average Annual Flow for 2018	0.671
Average Annual Flow for 2019	0.551
<b>Overall Average</b>	<b>0.551</b>

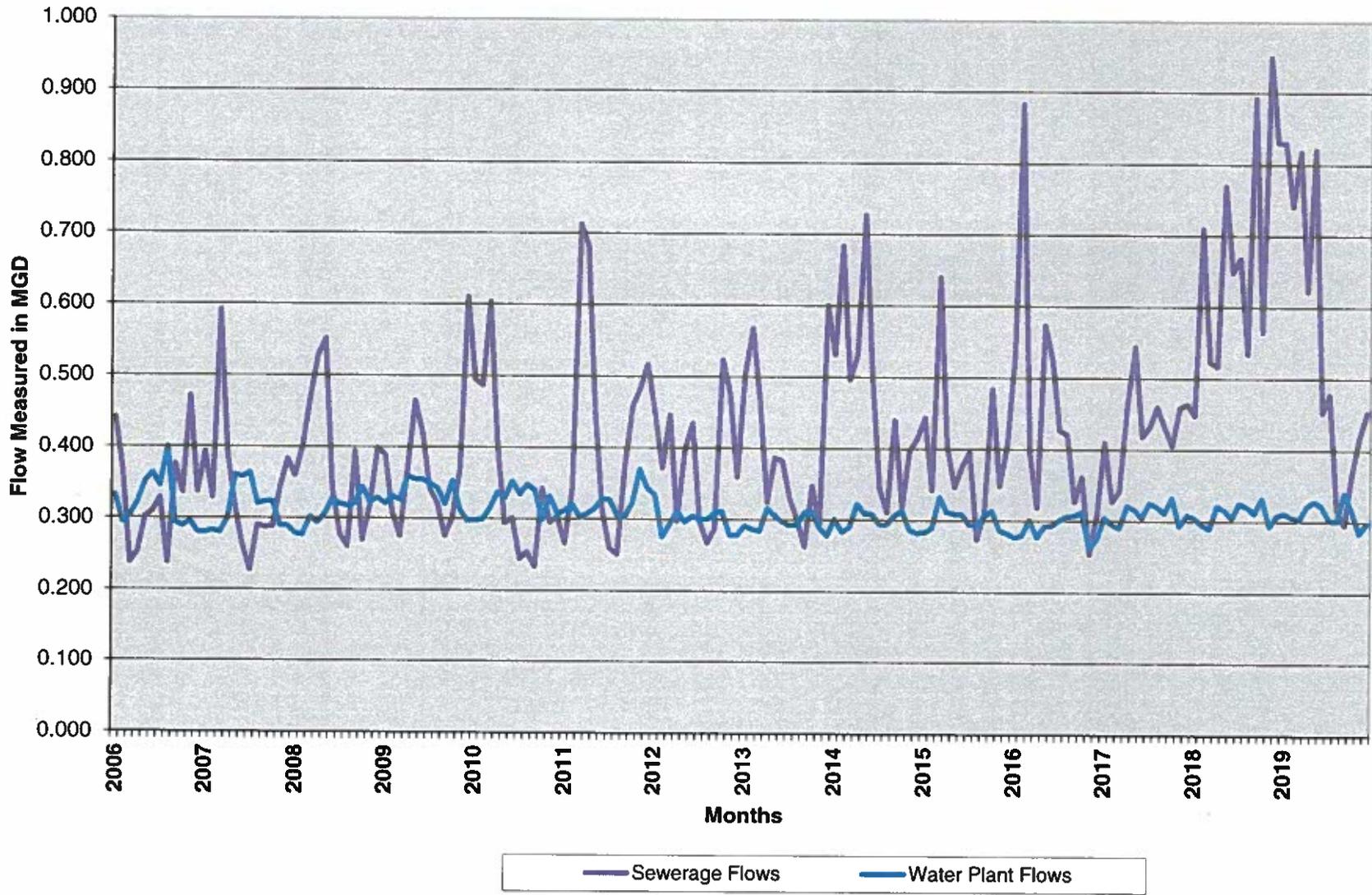
### Inflow & Infiltration Calculations

Average Annual I&I for 2017	0.119
Average Annual I&I for 2018	0.361
Average Annual I&I for 2019	0.240
<b>Overall Average</b>	<b>0.240</b>

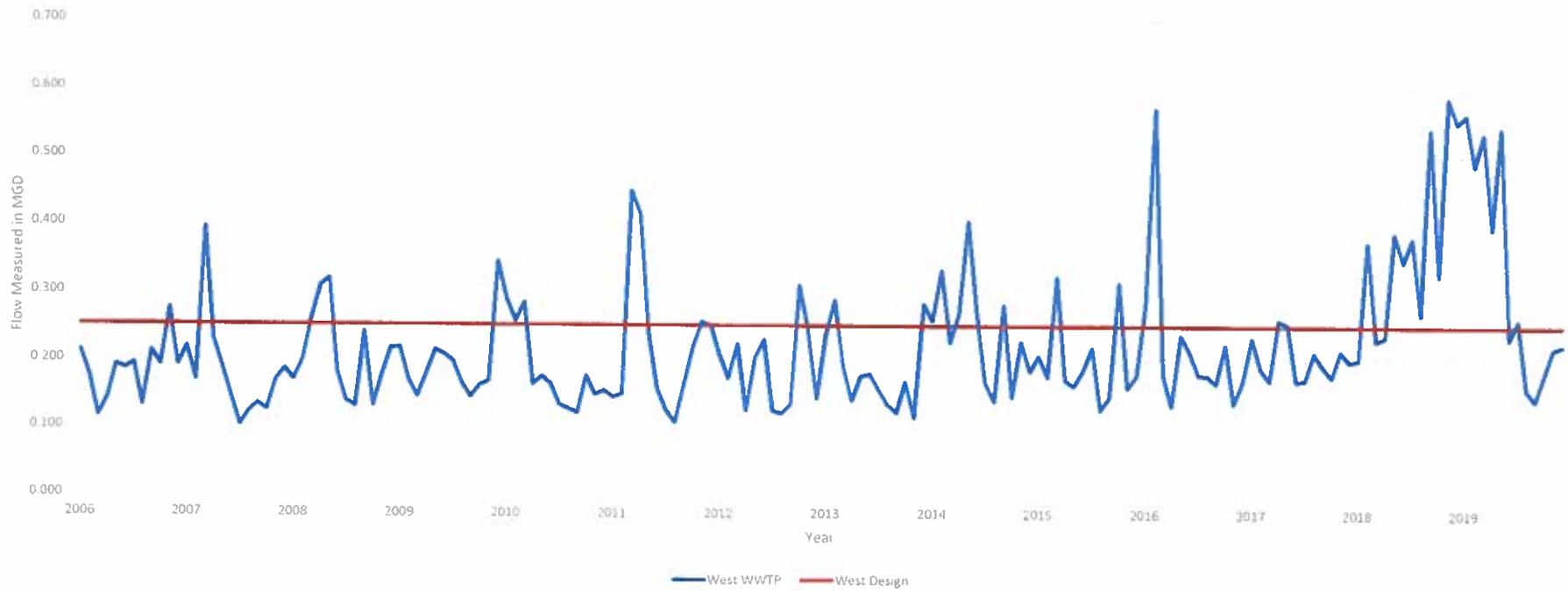
### Approved Lots Calculations

Connections Approved but Not On-line	0	0	0
In-Fill	31	7750	0.00775
<b>Total</b>	<b>31</b>		
Flow per day - 250 gpd	7,750	250	
Flow per day measured in MGD	0.00775	1,000,000	

# Inflow and Infiltration



## West WWTP Flows vs Design Capacity



## East WWTP Flows vs Design Capacity

