

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

**Regular Meeting**

**November 16, 2020**

The regular meeting of the Middletown Planning Commission took place on Monday, November 16, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, Commissioner Jean LaPadula (Ex-officio), Bob Miller, Dixie Eichelberger (Alternate), and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Others present: Tom Poss (Verdant Development Group), Trevor Frederick (FSA), Jane Tamagna and Lonnie Darr (219 East Main Street), Ingrid and Bar-Eitan Elkana (Memorial Hall), Burgess John Miller, Andrew Bowen (Town Administrator), Farhad Memarsadeghi (Memar Corporation), and Gene Fleeman.

**NOVEMBER MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT** – None.
- II. Minutes of the October 2020 Planning Commission Workshop** – Approved as submitted.  
**Minutes of the October 2020 Planning Commission Meeting** – Approved as submitted.

**III. PLAN REVIEW**

**Darr Subdivision and Addition Plat-** The proposal is to subdivide a lot into two lots, and take part of the original lot and add it to an adjoining lot under the same ownership; Lot 1 of Parcel 8860/323 will result in a lot area of 0.5377 acres or 23,423.0 square feet; remainder of Parcel 8860/323 or Lot 2 will result in a lot of 0.4130 acres or 17,992.4 square feet; the addition of Parcel ‘A’ (0.0305 or 1,330.3 square feet) from Parcel 8860/323 to the original area of Lot 3 (Parcel 6562/769) will result in a new lot area of 0.4223 acres or 18,394.7 square feet. The location is situated on the south side of East Green Street and along the north side of East Main Street, approximately 100 feet west of the intersection of East Main Street and Schoolhouse Drive. This district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.

Staff read over the report and recommended that the Planning Commission conditionally approve the Darr Preliminary/Final Plat & Addition Plat contingent on approval by the Health Department, the planning commission waiver of the required contour intervals, and with the understanding that any future development of the parcels on this plat for development will be submitted in the regular manner for approval in accordance with the provisions of the existing zoning regulations.

There was discussion on the new location/facing of lot 2. The lot now faces East Green Street, and it will have an East Green Street address.

**Action:** Commission member Lake motioned to conditionally approve the Darr Preliminary/Final Plat & Addition Plat with the plat being corrected to state East Green Street instead of Green Street, contingent on approval by the Health Department, and the planning commission waiver of the required contour intervals. Seconded by Commission member Gallagher. Motion carried (5-0)

**Franklin Commons Condominium Association Documents** – The Proposal is for 18 townhouse dwellings in five buildings on a single lot of 1.74-acres located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments, which will be sold as condominium units. Property is located south side of Broad

Street and west of Franklin Street and is zoned High Density Residential, which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units.

There is concern with what will happen to the common areas, stormwater management facilities, etc. if the Condominium Association were to cease to exist. The Town is not interested in taking over the management of those areas/facilities. Staff understands that unlike a homeowner's association, a condominium association cannot be undone. The association would own the land, not condominium owners. Tom Poss (Verdant Development Group) stated that the Condominium Association owns the entire parcel of land and is responsible for maintaining it. The Condominium owners are responsible for maintaining the building/unit not the land or surrounding grounds.

**Action:** Commission Member Gallagher motioned to conditionally approve the Condominium Association Documents with the amendments to add language to sections 10.2 and 10.3 regarding compliance with Middletown regulations and a general statement that uses of the units meet all Middletown regulations. Seconded by member Miller. Motion carried (5-0)

**Franklin Commons Red Line Site Plan revisions** – The proposal is 18 multi-family dwellings in five buildings on a 1.74-acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments located at the south side of Broad Street and west of Franklin Street. Property is zoned R-3 High Density Residential, which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units.

The site plan for Franklin Commons (formerly Chesterbrook – Phase 2) was conditionally approved on May 21, 2018. The approval was conditional upon receiving another 5-foot building height variance request approval from the Middletown Board of Appeals, insuring all driveways shown on the Site Plan are 20 feet in length, and addressing comments from the Director of Public Works regarding the intersection and the installed speed bump on Broad Street. The variance request was recently re-approved by the Board of Appeals on September 30, 2020. This site plan is back before the Planning Commission because the developer has proposed some red-line revisions.

1. The proposed changes include revising the driveway locations on five of the end units, reducing the extent of the permeable pavement, and revised utility lateral locations. The red hatching on the plans reflects permeable pavement to be changed to traditional pavement. To compensate for the reduced area of permeable pavement, an increase in volume stored in ESD #4 (micro-bioretenion) is proposed. The top of the berm for ESD #4 is to be raised as well as the crest of the outfall structure.
2. The proposed change in the driveway locations for the end units is simply a flipping of the driveway from one side of the unit to the other.
3. Improvement Plan Note #2 (Sheet 1) states that Environmental Site Design (ESD) will be provided within permeable pavement, bio-swales and micro-bioretenion facilities. The legend on Sheet 3 of the Improvement Plans indicates a symbol for the pervious concrete, as well as a symbol for the asphalt pavement and the reinforced turf for the emergency access from Franklin Street. Sheet 3 also shows the maintenance requirements for permeable pavement as well as the note that if possible, the permeable pavement should be constructed as one of the last site work items. The County will need to review the proposed changes of reducing the permeable pavement and increasing the volume of stormwater to ESD #4.

There was discussion on why the developer changed the original plans for the pervious pavement. Tom Poss (Verdant Development Group) stated that the pervious pavement would get damaged by the construction equipment and would need to be replaced more frequently in high traffic and building areas.

**Action:** Commission member Lake motioned to conditionally approve the Redline site plan contingent on the County approval to the proposed changes to the stormwater management facility, the Town Engineer's approval, and the approval by other pertinent County departments. Seconded by member Miller. Motion Carried (5-0)

**Foxfield Section 6 Preliminary Plat** – The proposed is for the property to be developed with 148 active adult lots with the remainder of the property reserved for open space and forest conservation retention. The property is located west side of Coblenz Road and north of Middletown County Park and is zoned R-20 Residential.

There was discussion on whether the HOA or the Town would be responsible for the open space shown on the plat. The Preliminary Plat does not state that it is for an Active Adult Community and a cluster development. There was discussion about the common areas acreages not being listed, but the applicant pointed out where they were shown on the revised plat. Planning Commission members asked how far the properties are from the edge of the stream and if the Planning Commission is able to waive the wetland setback. The Planning Commission members also wondered if they could get a Preliminary calculation for water and sewer from the Town Administrator before the plat is brought to the Planning Commission for approval. Cindy will check into these concerns/questions and get back to the Planning Commission members once she gets the information.

**Action:** Tabled until the developer can make the necessary changes to the plat and Cindy can gather more information for the Planning Commission members.

#### **IV. ZONING –**

**Monthly Zoning Administrator report** – Planning Commission members reviewed the report and noticed that the fence issue still was not added to the report. Cindy stated that the Zoning Administrator is aware of the situation and is investigating. There were also some concerns on why some of the violations and complaints are a year or two old. Burgess Miller stated that some of these cases are still on the report because it's hard to get a hold of the owner of these franchise businesses but the Zoning Administrator and the Town staff are working to resolve these issues.

**Sign Ordinance Update** – Cindy received Myersville's Redline changes to the zoning ordinance and is reviewing it to bring to the Planning Commission next month.

#### **V. COMPREHENSIVE PLAN UPDATE**

**Comp Plan Survey results** – The results showed that people are interested in the re-development of vacant buildings in Town and Main Street is working on that. There were a lot of comments on question 8, which has to do with traffic concerns around Schoolhouse Drive. The Town isn't responsible for this issue; Frederick County Public schools would have to address these issues.

**Chapter Five – Transportation and Maps** – The Planning Commission received the proposed changes to the Comprehensive Plan Chapter five. There was discussion about adding a statement about the traffic concerns on Schoolhouse Drive and stating that the Town is aware of these issues, but it is the County's responsibility to address such issues. Planning Commission members stated that maybe we could add to the sidewalk section about how the sidewalk program is on-going and how the Town added access for people with disabilities to comply with the ADA requirements. There was also discussion about adding more information to the parking section of the Comp plan. The Town Administrator is gathering traffic count data from the past 10 years to submit to the Planning Commission for review. Cindy will make the changes and resubmit in the December meeting.

**Chapter Six – Community Facilities and Map** – Cindy added the Wiles Branch dog park to the Community facilities section. The Town board is adding a non-profit organization section; Commissioner LaPadula will help Cindy on this. Cindy will make the changes and resubmit in the December meeting.

**VI. Miscellaneous -**

**Liquor Store Survey-** The survey shows that 68% of people are in favor of a liquor store in Town limits. There was discussion on what the hours of the liquor store would be. Cindy will find out the standard hours for the Safeway and CVS shopping centers.

**Memorial Hall Concept Plan** – The developer discussed a concept plan for the future use of the former Memorial Hall building. The building will be used for 15 apartments and 2 commercial spaces. The developers have reached out to the Christ Reformed Church on adding a parking lot to church-owned property on East Main Street. The Town Administrator stated that the Christ Reformed Church has wanted access to the back of the building for fire safety issues for some time. The developers stated that the height of the building will not disturb Middletown’s historical views.

**VII. Additional Public Comment - None**

Meeting adjourned at 9:03PM.

Respectfully submitted,

Patty Guyton  
Recording Secretary