

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 21, 2020

The regular meeting of the Middletown Planning Commission took place on Tuesday, January 21, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Farhad Memarsadeghi (Memar Corporation) and Gene Fleeman (resident).

JANUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. ELECT PLANNING COMMISSION CHAIR AND VICE CHAIR FOR 2019

It was noted that the Planning Commission operated well under the elected leadership in 2019, and perhaps the leadership would continue through 2020.

- **Planning Commission Chair** – The Staff Planner opened the floor to accept nominations for Chair of the Planning Commission for 2020. Commission member Lake nominated Mark Carney as Planning Commission Chair for 2020. Seconded by Commission member Gallagher. There were no other nominations. Motion carried (7-0).
- **Planning Commission Vice Chair** – The Staff Planner opened the floor to accept nominations for Vice Chair of the Planning Commission for 2020. Commissioner Lake nominated Rich Gallagher as Planning Commission Vice Chair for 2020. Seconded by Commission Chair Carney. There were no other nominations. Motion carried (7-0).

III. Regular Workshop Minutes of December 11, 2019 – Approved as submitted.

Regular Meeting Minutes of December 16, 2019 – Approved as submitted.

IV. PLAN REVIEW

Foxfield Section 6 Concept Plan – Farhad Memarsadeghi (Memar Corporation) present. The property is 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 to the west side of Coblentz Road and north of Middletown Community Park. It is zoned R-20 Residential. This district permits single-family dwellings along with accessory buildings and uses and home occupations, as well as parks, playgrounds, and residential cluster developments. Numerous special exception uses with Board of Appeals approval are also permitted which includes active adult communities. The proposed development parcel was annexed by the Town in 2018. The parcel had been listed in the Municipal Growth Element of the Comprehensive Plan as within the town’s growth boundary. Because the subject property is less than 100 acres in size, the entire parcel may be used for an active adult community but must be in accordance with the cluster development concept and regulations in Section 17.42 of the Municipal Code. The proposed development meets the minimum area of a cluster development which shall be 30 acres. The proposed development meets the total density requirement (two or fewer units per acre) with 1.58 units per acre. The typical lot layout shows a width of 60 feet with a side yard setback of 5 feet,

both of which are in code compliance. There is a minimum yard or common open space requirement of at least 25 feet as measured from all streets and from the side and rear lot lines at the boundaries of the entire cluster development. The proposed plan shows at least 70 feet of open space at the rear lot lines at the boundaries, and a minimum of 25 feet from side lot lines as measured from the street boundaries.

A traffic impact study was completed for the proposed development as a condition of the annexation agreement and was approved by the Burgess and Commissioners. The property is located within both the Catoctin watershed and the Cone Branch watershed. Wells have been drilled in both for allocation by the Maryland Department of the Environment (MDE), and sufficient quantities of water have been established by MDE. The plans have been provided to the Town Engineer for review.

- **Walking Trail Access** – At both the Planning Commission Workshop and tonight it was noted that there were limited access/easements to the walking trails shown on the concept plan. It was suggested that the developer incorporate additional access points to the walking trail. The developer plans to add two additional access/easements to the proposed walking trails.
- **Sidewalks** – Staff reviewed photos of the sidewalk situation in the current active adult community in Foxfield. Sidewalks are not included in the concept plans for Foxfield Section 6. The design standard for the Town is to have sidewalks on both sides of the street. The question was raised if the Planning Commission had the ability to override the standard. The developer asked to be notified as soon as possible of the determination as the plans will have to be modified. The Town Engineer will be asked to provide comment on this topic. Sidewalks will be an item of discussion at the next joint Town Board/Planning Commission workshop in February. The developer will send staff pictures of a development he constructed that used rolled curbs to grass with no sidewalks. He would like to use similar construction in this development if possible.
- **Natural Features/Sensitive Environmental Areas Chapter of the Comprehensive Plan** – One of the implementation recommendations in the Natural Features chapter states the Town shall restrict development along all creeks and streams and require a minimum of a 100-ft buffer from each bank. This shall be carried out through site plan review by the Planning Commission. The concept plan shows a 50-foot buffer along the intermittent stream on the property (25-feet from each bank). The distance from the nearest proposed lot to the intermittent stream is about 65-feet. Although the objective in the Natural Features chapter refers to perennial streams (and not intermittent streams), the recommendation is to require the 100-foot buffer along all creeks and streams. This will affect 4 proposed lots on the east side of the cluster development. The developer stated that the concept plans were modified after a meeting with Burgess Miller to allow for maximum distance of the cluster development from the surrounding farmlands. This stream buffer will require an additional shift in the proposed streets in the subdivision to meet this requirement. He further stated that MDE will review these plans and provide comment and that the developer must meet MDE's guidelines for intermittent streams.
- **Street Names** – The Staff Planner reviewed the County guidelines regarding new street names. There were concerns regarding emergency services response times and Harvest View Way. This will be an item of discussion at the next joint Town Board/Planning Commission meeting in February. It was also suggested that the proposed Smithfield Drive west of Coblenz Road be designated as Smithfield Boulevard and utilize traffic circles at the intersections to slow traffic. This too will be an item of discussion at the next joint Town Board/Planning Commission workshop in February.

Action: None taken.

V. ZONING

Active Adult Community Special Exception Use – Farhad Memarsadeghi (Memar Corporation) present. This is regarding a proposed special exception approval to allow an active adult community in the R-20 residential district. This district permits single-family dwellings along with accessory buildings and uses and

home occupations, as well as parks, playgrounds, and residential cluster developments. Numerous special exception uses with Board of Appeals approval are also permitted which includes active adult communities. The intent of the district is to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development; except in the case of cluster developments in which dwellings are grouped together on a site, thus saving the remaining land for common area open space, conservation, recreation, and public and semipublic uses. The proposed location is property located the west side of Coblenz Road and north of Middletown Community Park.

The subject property is zoned R-20 per the annexation agreement approved by the Burgess and Commissioners in 2018 which specifically requires the site to be developed as an active adult community. The parcel is approximately 94 acres and is proposed to be developed in accordance with the cluster development regulations. The plan shows 148 active adult lots with the remainder of the property reserved for open space and forest conservation retention. Staff believes the intensity of the proposed use is in harmony with the intent of the district and is compatible with the surrounding area. The clustering of lots will provide for the protection of the existing sensitive areas including streams, stream buffers, wetlands, wetland buffers, forest and steep slopes. Given that most of the specific standards for the proposed use are being met or will be met upon review and approval by the Planning Commission during the appropriate assessment stage, and the general standards for special exception uses are or will be met, staff advised the commission to give a positive recommendation for the proposed active adult community to the Board of Appeals for this property with the condition that the Planning Commission will review plans going forward that will include architectural drawings and elevations, and that driveways must be a minimum length of twenty feet from public or local streets. Included with this review will be the review and comment on the homeowners' association declaration of covenants for the purpose of approval by the Burgess and Commissioners prior to the final plat approval.

Action: Commission member Lake motioned to support the use of this property as an active adult community to the Middletown Board of Appeals. The Planning Commission has reviewed the Land Use and Standards and this development meets the general standards. Any action going forward would address specific standards. A note for the Board of Appeals should indicate that Open Space 4 has been identified as a potential site for a community center. Seconded by Commission member Miller. Motion carried (5-0).

VI. MISCELLANEOUS

The Staff Planner reviewed the January Monthly Planning Update. She will begin work on the 2019 Annual Report soon.

The Town Administrator has been in discussion with the Town Attorney regarding changing the town code to address sunset provisions.

February Joint Town Board/Planning Commission Workshop Topics – Besides the topics identified tonight relating to Foxfield Section 6 Active Adult Community, the Planning Commission would like the following topics on the agenda: Ordinance language regarding accessory structures, Comprehensive Plan information, changing the sign ordinance to address new business opening and the small signs put out to advertise them, the Hollow Creek Professional Center and self-storage, and a Dark Sky section for the design manual.

Miller Property East Green Street Gate – It has been noted that the gate onto the Miller Property (203 East Main Street) from East Green Street has been left open for the last several weeks. The property owner had stated that it would be open only for deliveries. Drivers have been using that access as a cut through back and forth between East Green Street and East Main Street. The Zoning Administrator will be notified for follow up on this issue.

VII. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 8:12pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary