

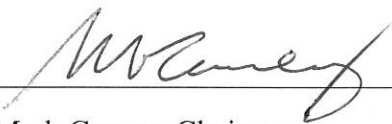


TOWN OF MIDDLETOWN PLANNING COMMISSION

CERTIFICATE OF ADOPTION

IN ACCORDANCE WITH DIVISION 1, TITLE 1-207 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE PLANNING AND ZONING ENABLING ACT, THE TOWN OF MIDDLETOWN PLANNING COMMISSION OFFICIALLY ADOPTS THE FOLLOWING 2023 ANNUAL REPORT, FILING SAME WITH THE MIDDLETOWN BURGESS AND COMMISSIONERS AND THE SECRETARY OF STATE PLANNING.

TOWN OF MIDDLETOWN PLANNING COMMISSION

BY: 
Mark Carney, Chairman

March 21, 2024

MIDDLETOWN PLANNING COMMISSION

2023

ANNUAL REPORT

Approved March 18, 2024 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2020-4/2024)

Jennifer Falcinelli, Burgess Pro-tem (4/2022-4/2026)

Richard Dietrick (4/2022-4/2026)

Chris Goodman (4/2020-4/2024)

Jean LaPadula (4/2020-4/2024)

Kevin Stottlemyer (4/2022-4/2026)

Andrew J. Bowen, Town Administrator (thru April 19, 2023)

Paul Mantello, Town Administrator (beginning May 8, 2023)

Middletown Planning Commission

Mark Carney, Chair (12/2021-12/2026)

Chris Mills (12/2021 – 12/2026)

Bob Miller (5/2018-5/2023)

Sean Mahar (1/2022 – 1/2027)

Jean LaPadula, Comm. Ex-Officio (4/2020-4/2024)

Eric Ware, Alternate (2/2021 – 5/2023)

Eric Ware, (6/2023-6/2028)

Lori Summers, Temp. Alt. (10/2022 – 10/2027)

Lori Summers, Alternate (6/2023 – 6/2028)

David Hiller, Temporary Alternate (7/2023-7/2028)

Middletown Board of Appeals

Daphne Gabb, Chair (5/2022-5/2025)

Alex Kundrick (10/2022-10/2025)

Jonathon Minchoff, (1/2022-6/2023)

Rodney O'Neal, Alternate (6/2022-6/2025)

Jonathon Minchoff (1/2022-6/2023)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Robert Wilkes

Engineering Staff

Bruce Carbaugh, Director of Public Works

J.R. Hawkins, Project Manager

INTRODUCTION

The 2023 Planning Report for the Town of Middletown, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Planning Commission, Board of Appeals and staff, and also documents development activity.

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt, and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Department of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

POPULATION IN MIDDLETOWN

<u>YEAR</u>	<u>POPULATION</u>	<u>INCREASE OR DECREASE</u>
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
2000 Census	2,668	834
2010 Census	4,136	1468
2020 Census	4,943	807

MIDDLETOWN PLANNING COMMISSION

The Middletown Planning Commission is a five-member commission with two alternates, which has review and approval authority of site plans and subdivisions. In addition, the Planning Commission makes recommendations to the Burgess and Commissioners on rezoning and annexations, and reviews and comments on text amendments and any other issue, which is planning related. The Middletown Planning Commission also makes recommendations to the Middletown Board of Appeals on cases involving special exceptions.

PLAN REVIEWS - 2023

All plans reviewed and approved were consistent with the Middletown Comprehensive Plan adopted in 2010, the Middletown Zoning Code, and the Middletown Subdivision Regulations. **(Plan and plat names are shown on attached map.)**

CONCEPT PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
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None

SITE PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1. Green Street Flats 406 West Green Street	3	TC	Approval of site plan for triplex unit (Approved 1/17)
2. Green Street Flats 406 West Green Street	3	TC	Approval of revised site plan for triplex unit (Approved 3/20)

PRELIMINARY PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

IMPROVEMENT PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Foxfield Section 6 off Coblenz Road	148	R-20	Approval of improvement plans for active-adult development
4. Hollow Creek Prof. Center 821 East Main Street	2	GC	Approval of redline plans for office building and pad site (Approved 5/15)
5. Green Street Flats 406 West Green Street	3	TC	Approval of improvement plans for triplex unit (Approved 7/17)
6. Middletown Library 31 East Green Street	1	NTR	Approval of redline plans for library (Approved 10/16)
7. Foxfield Section 6 off Coblenz Road	148	R-20	Approval of improvement plans for active-adult development

FOREST CONSERVATION PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
8. Foxfield Section 6 off Coblenz Road	148	R-20	Approval of final forest conservation plan for active-adult development (Approved 10/16)

SUBDIVISION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

ADDITION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

FINAL PLATS

Name Units Zoning Request for:

None

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

Text Amendments commented on to Burgess & Commissioners for adoption. (Municipal Code #)

Pool ordinance revisions text amendment – Planning Commission reviewed and commented on adoption of revisions relating to swimming pools and to add additional language in other sections of the code to govern the regulation of swimming pools. (Chapter 15.16 and Chapter 17.32.130) [PC commented 1/17; B&C adopted 4/10/2023]

Fence ordinance revisions text amendment – Planning Commission reviewed and commented on adoption of revisions relating to fences. (Chapter 17.32.165 and 17.48) [PC commented 2/20; B&C adopted 4/10/2023]

BOARD OF APPEALS: (Applicant names are shown on attached map)

<u>Applicant</u>	<u>Request</u>	<u>Location</u>	<u>Motion</u>	<u>Date</u>
A. Kovalchick	variance from height for garage structure	5 Woodmere Circle	Approved	1/24

INFRASTRUCTURE:

TRANSPORTATION:

Action taken by the Town in the year 2023 has been consistent with the Town Comprehensive Plan and best management planning practices.

The Town Comprehensive Plan includes roadway alignments north of town that will be requirements of any future annexation agreements. It states that future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west. With the development of Foxfield Section 6, a section of northern alignment, west of Coblenz Road, will be built by the developer.

Cone Branch Drive was milled and overlaid in August 2023.

WATER SUPPLY AND DISTRIBUTION:

The Middletown water system is supplied by twelve (12) active 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 a groundwater storage tank with a capacity of one million gallons. Water treatment consists of adding caustic soda for pH adjustment, and 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 withdrawal are 387,000 gpd (gallons per day) 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. Considering all approved lots and the current 3-year average usage, the Town has 90 taps available (not including the Memar annexation which is required to supply their own demand plus reserve capacity).

Middletown Water Capacity Calculations

	ANNUAL AVG (gallons/day)	MAX MONTH (gallons/day)
Annual Appropriation Permit Limit ¹	387,000	504,000
Current Water Demand (3-yr avg) ²	317,000	399,246
Reserve Capacity ³	38,950	50,750
Total Demand Use	94.2%	92.8%
Available for Development	22,607	36,162

¹ Hollow Creek, Catoctin Creek, and Cone Branch Watersheds

² 2021 -2023

³ Calculated (10% reserve + current development + existing lots of record)

⁴ (250 gallons/day use = 90 Equivalent Dwelling Units)

WASTEWATER TREATMENT FACILITIES:

The Middletown sewage system consists of a 0.250 mgd treatment plant located on the west side of Town (West WWTP), and a 0.250 mgd activated sludge plant (expandable to 0.350 mgd by permit revision and 0.7 mgd by construction) 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. The Town requested an increase in our permit capacity to the full design capacity from MDE on September 3, 2020. In calculating the capacity for the Town, the permit capacities were combined for an overall total of 0.500 mgd. At current permit capacities and 3-year average flow data, the system has 225 EDU’s available.

Recent replacement of the interceptor to the West WWTP and other I and I improvements has reduced the amount of infiltration and the discharge from the West plant creating development capacity that was previously used by I and I. The Town has also taken a proactive approach to managing the flow from the Cone Branch Pump Station to both treatment plants.

Middletown Wastewater Capacity Calculations

	East WWTP (gallons/day)	West WWTP (gallons/day)	Combined Capacity ²
Annual Permit Limit	250,000	250,000	500,000 gpd
Current Sewer Demand (3-yr avg) ¹	226,218	168,198	394,416 gpd
Percent of Capacity	90.5%	66.9%	78.7%

¹ 2021 -2023

² Cone Branch Pump Station can send flows to either plant

Based on the current permitted capacity of 0.500 mgd, the Town has capacity for an additional 225 EDU's. The Town has requested an increase in the permit at the East WWTP to the full design capacity of 0.350 mgd from MDE and is currently conducting an I&I Study in the Cone Branch Basin to make recommendations on repairs and improvements. The January 2023 completed interceptor to the West Plant has demonstrated a reduction of flow to the west plant. I&I projects are expected to substantially increase sewer capacity after completion.

It is recommended that the Planning Commission follow the water and sewer certification process while discharge from the wastewater treatment plants continues to be monitored. When MDE issues a new NPDES Permit at the East WWTP to the full design capacity of 0.350 mgd, additional permit capacity in the amount of 400 EDU's will be available for a total of 625 EDU's.

PARKS AND GREENWAYS:

Parks and greenways projects that were completed in 2023 included the installation of a chess table at Memorial Park and the construction of pickleball courts at Remsberg Park.

PROTECTION OF HISTORIC STRUCTURES:

The Town regulations regarding the demolition of buildings are a zoning control (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition. Photos are taken before historic buildings are to be torn down and are archived.

The Town has two historic districts that are listed in the National Register of Historic Places. Properties that are listed as "Contributing" to the significance of the historic districts may voluntarily participate in government programs that provide financial benefits to property owners who undertake maintenance projects that comply with the Secretary of the Interior's Standards for Rehabilitation. In order to provide a certain level of customer service to property owners in Middletown, the Town established a Historic Commission to function as a conduit between the property owner and the

available programs. The Historic Commission only meets when a property owner wishes to take advantage of these specific programs.

Through private and public funding, Main Street Middletown, MD Inc. has spent over \$200,000 to rehabilitate 19 and 21 West Main Street which will serve as a Welcome Center and the office for the Main Street program. The program has also awarded \$50,000 in matching funds in 2023 to Main Street property owners as part of the Façade Improvement Program.

Main Street Middletown, MD Inc. continued to see an impressive influx of private development into the Town as the rehabilitation of Memorial Hall was completed, which was aided by \$100,000 in grants from Main Street via the MD Department of Housing and Community Development. To date, two of the 15 apartments have been leased and one commercial spot is under contract of the two spaces on the first floor.

Main Street Middletown was selected to host the prestigious Maryland House and Garden Pilgrimage in May 2023 as part of their 86th year of touring Maryland's places of architectural and historical significance. This tour brought over 500 people to the downtown from almost every county in the state.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2023 aside from the text amendments listed above.

COMPREHENSIVE PLAN REVIEW

The update to the Town's Comprehensive Plan began virtually in 2020 due to the pandemic. The Town continued working on the update and hopes to have an approved Plan by late March 2024.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Continue to review and refine a management system which includes checklists for the plan review process to help ensure that files are complete and easily accessible, and which verifies that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.
4. Promote and develop a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.

5. Work closely with the Main Street Program to help revitalize downtown Middletown.
6. Promote sustainable development practices thru the development review process as outlined in the 2023 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the Sustainable Communities designation through DHCD.
7. Help to maintain the historical rural community nature of the Town when reviewing development plans.
8. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.
9. Review policies that would provide guidance for sustainability and climate change resiliency as it affects the town and future annexations.
10. Develop a dark-sky policy for future and replacement lighting in the town.
11. Review and develop policies/regulations that would provide guidance for affordable housing and senior care centers.
12. Develop policies and design guidelines for review of architectural plans and for site plan reviews.

NEW RECOMMENDATIONS:

1. All new recommendations can be found in the Action Plans in Chapter 10 of the Comprehensive Plan.

Permits Issued

TYPE	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015	5 yr.	2016	2017	2018	2019	2020	5 yr.	2021	2022	2023	2024	2025
Single - Family	340	30	31	12	17	23	113	10	12	5	8	4	39	8	25	28	23	0	84	0	1	0		
Multi-Family	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	
Duplex	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Townhouse	57	16	19	23	24	0	82	0	0	0	0	0	0	0	0	0	0	0	0	18	0	0		
Apartments	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0		
Interior Improvements	81	18	20	19	12	19	88	15	11	12	15	17	70	16	25	19	17	19	96	32	28	13		
Additions	84	8	12	2	6	2	30	6	7	4	2	4	23	1	4	4	4	0	13	0	2	4		
Pools & Hot Tubs	45	8	12	7	4	3	34	2	6	5	2	1	16	2	6	3	6	17	34	13	15	5		
Decks & Porches	195	37	41	31	27	28	164	32	19	9	15	21	96	14	16	18	23	20	91	22	33	17		
Accessory Structure	92	18	13	14	9	9	63	6	5	7	8	15	41	11	15	10	20	14	70	13	13	8		
Fences	151	23	16	25	24	20	108	16	24	13	15	16	84	23	19	15	27	47	131	41	54	30		
Demolitions	5	0	2	0	2	1	5	2	1	2	1	3	9	5	5	2	3	0	15	1	0	1		
Propane Tanks	17	3	4	2	2	1	12	6	2	4	1	0	13	0	1	2	2	3	8	0	0	2		
Trailers	8	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	1	1	5	5	1	0		
Pump Station	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0		
Signs	29	5	7	2	5	6	25	7	8	6	10	8	39	3	4	7	6	3	23	1	6	2		
Solar panels	0	0	0	0	0	0	0	0	0	4	37	20	61	25	7	8	4	4	48	1	2	4		
New Commercial	6	0	0	0	0	1	1	0	0	2	0	2	4	1	0	4	2	2	9	0	0	1		
Commercial Conversion	30	1	2	7	3	3	16	4	6	5	5	8	28	1	4	4	4	5	18	5	2	2		
Industrial Conversion	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Office Conversion	13	14	3	0	5	2	24	0	3	0	0	3	6	0	1	3	1	0	5	0	0	1		
Other			2	1	2	2	7	5	4	4	6	4	23	1	4	5	4	3	17	3	5	12		
Total Permits	1157	182	184	146	142	120	774	111	108	83	125	126	553	113	136	133	147	140	669	155	162			