

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

February 17, 2020

The regular meeting of the Middletown Planning Commission took place on Monday, February 17, 2020 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: Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe).

FEBRUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. Regular Workshop Minutes of January 15, 2020 – Approved as submitted.

Regular Meeting Minutes of January 21, 2020 – Approved as submitted.

III. PLAN REVIEW

Middletown County Park Project Forest Stand Delineation Review – Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe) present. The proposal is to allow park improvements at the Middletown Community Park located at 7628 Coblenz Road. It is presently a 79-acre park with ballfields, playgrounds, restrooms and frisbee golf course. All requirements for forest stand delineation have been met. The report and plan have been provided to Maryland Department of Natural Resources for review, but no comments have been received to date. Forest on site was classified into two stands, totaling 6.93 acres. Four random sample plots were inventoried. Forest stand #1 (approximately 4.48 acres) is predominantly white pine and sawtooth oak and is in good condition. Forest stand #2 (approximately 2.45 acres) is composed of black walnut, red maple, black cherry and black willow, and is also in good condition. There are four specimen trees within the forest stands. There is heavy invasive cover, especially in stand #2, and improvement for the stands should include invasive removal. Staff recommends approval of the Forest Stand Delineation for this property noting that the approval will remain in effect for a period not longer than five years.

It was noted that the applicant has sent a letter to Maryland Department of Natural Resources (DNR) requesting DNR to confirm that there are no rare, threatened or endangered species on site. The applicant was asked to provide a copy of DNR's response letter to the Town once received.

Action: Commission member Lake motioned to approve the Middletown County Park Project Forest Stand Delineation as presented. Seconded by Commission member Miller. Motion carried (5-0).

Middletown County Park Project Forest Conservation Plan - Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe) present. The proposal is to allow park improvements at the Middletown Community Park located at 7628 Coblenz Road. It is presently a 79-acre park with ballfields, playgrounds, restrooms and frisbee golf course. The report and plan have been provided to Maryland Department of Natural Resources for review, but no comments have been received to date. This is a unique situation in that it is a county project within town limits. No site plan is needed unless significant changes

are made to the Master Plan, which this project does not do. The submitted plan shows that the existing forest will be retained aside from the small area needed for the future sanitary sewer easement.

- **Summary of Forest Conservation Plan** – The net tract area of forest on the site is 6.93 acres, of which 0.18 acres are to be cleared for a future sanitary sewer easement. Therefore, the acreage of retained forest is 6.75 acres. In order to comply with the town’s Forest Conservation Ordinance, 5.01 acres are proposed to be planted on-site and 1.0 acre is proposed to be planted off-site adjacent to the West Wastewater Treatment Plant at Wiles Branch Park. Miscellaneous credits of 1.11 acres towards the afforestation requirement are being met with existing landscape tree credits and the planting of additional landscape trees at the park.

Of the 5.01 acres to be planted, 3.56 acres are lowland areas which will be planted with 1,246 whip-size planting stock of ten different native tree species. Upland planting areas totaling 1.45 acres will be planted with 508 whip-size planting stock of ten different native tree species. The proposed 1-acre off-site planting site is to be planted with 350 whip-size planting stock of ten different native tree species.

- **Priority trees** – According to Section 16.40.041.B(3) of the Municipal Code, trees having a diameter measured at four and one-half (4.5) feet above the ground of thirty (30) inches or more shall be considered priority for retention and protection, and they should be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the approving authority, that the applicant qualifies for a modification under Section 16.40.023. There are four specimen trees located within Forest Conservation Easement #2 which are in fair or poor condition and will be retained.

- **FRO calculations break-down** – Here is a simplified version of the forest conservation calculations:

Gross tract area – 79.01 acres

Net tract area – 68.45ac (pond, sanitary sewer easement, pavement & buildings deducted)

Afforestation threshold – 13.69 acres (20% of net tract area)

Conservation threshold – 17.11 acres (25% of net tract area)

Existing forest within net tract area – 6.93 acres

Total area of forest to be cleared – 0.18 acres

Total area of forest to be retained – 6.75 acres

Reforestation required – 0.36 acres (0.18 x 2)

Afforestation required – 6.76 acres (13.69 – 6.93)

Total forestation requirement – 7.12 acres (0.36 + 6.76)

Misc. credits – 1.11 acres (landscaping areas > 25,000 sf. = 0.6 acres + landscape trees planted = 0.51 acres)

Total on-site mitigation – 12.87 acres (6.75 retained + 5.01 planted + 1.11 misc. credits)

Balance of mitigation owed – 1.0 acres (7.12 – 5.01 – 1.11)

Off-site mitigation of 1.0 acres to meet balance needed.

Total mitigation provided = 13.87 acres

- **Landscape tree credits** - The landscape trees to be planted on-site to be credited towards afforestation requirements are proposed to be 26 red maples, 11 willow oaks and 14 American elms. They are to be balled & burlapped trees of 6-feet in height. Calculations showing the mitigation to be provided are in the table at the top of Sheet FC-3.

The Planning Commission reviewed the list of improvements to the park that the County will accomplish with this project. Once the project begins it will take a year to complete. It is slated to begin in August 2020. Due to the unique situation of this project coupled with little to no project progress review by the Planning Commission, it was suggested that in order to ensure that the items within the forest conservation plan were completed within a timely manner that a time frame should be included as part of any motion the Planning Commission makes on this agenda item. Commission member Gallagher stated that there is an area south west of the pond outfall that remains wet most of the year. He suggested that the area could be a planted area as opposed to its current use as a mowed area.

Action: Commission member Miller motioned to conditionally approve the Middletown County Park Project Forest Conservation Plan conditional upon the appropriate agreements being in place within 6 months of substantial project completion. Seconded by Commission member Lake. Motion carried (5-0).

IV. ZONING – None.

V. MISCELLANEOUS

Franklin Commons – The Staff Planner noted that in order for any work to commence on this project the applicant will have to go to the Board of Appeals and request a height variance for a third time.

Sunset Provisions – The Town will be contacting Horman and Jiffas giving them 3 years from a specific date within which to complete their projects. The date is yet to be determined.

New Business Signage – Since there is no clear path going forward, the Planning Commission is requesting the Zoning Administrator to draft a text amendment change to the Town Board, on which the Planning Commission can provide comment.

Self-Storage Special Exception Use – If the Board of Appeals grants a special exception use for the proposed self-storage at the Hollow Creek Development site, the Planning Commission would like to have a public hearing in addition to the meeting when it is time for the site plan review.

Hollow Creek Professional Center – In anticipation of the architectural review for this project the Staff Planner and the Town Attorney are in discussion regarding the definition of building height.

2020 Comprehensive Plan – The Planning Commission had a brief discussion on the 2020 Comprehensive Plan update.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 7:47 PM.

Respectfully submitted,

Annette Alberghini
Recording Secretary