

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

**Regular Meeting**

**April 17, 2017**

The regular meeting of the Middletown Planning Commission took place on Monday, April 17, 2017 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, Tom Catania (Ex-Officio), Bob Miller, Dixie Eichelberger and David Lake. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Carrie Harris (property owner) and Billy Brudis (Brudis Associates).

**APRIL MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT** – None
- II. Regular Workshop Minutes of March 15, 2017** – Approved as submitted.  
**Regular Meeting Minutes of March 20, 2017** – Approved as submitted.

**III. PLAN REVIEW**

**Harris Garage Demolition** – (Carrie Harris, applicant, present). This is the proposed removal of an existing 17'-3" x 27' garage behind the existing home at 204 Prospect Street. The purpose is to add an addition to the home and a new 20' x 28' garage towards the rear of the property. All of the requirements of Section 17.32.160 of the Middletown Municipal Code have been met. The Demolition Site Plan provided identifies the garage to be demolished and where both the addition and the new garage will be located. Adjacent property owners have been notified of the proposed demolition. The property has been posted. The applicant will be doing the demolition themselves. The demolition plan includes the use of safety cones and caution tape surrounding the work area, and the use of personal protective gear as appropriate. There are no utilities or asbestos present of any kind within the structure. The applicant hopes to have the demolition concluded by the end of April.

- **County Permit** – The applicant has applied to the County for the demolition permit. They are waiting on approval. Once approved by the County, the applicant will have ninety (90) days to complete all demolitions and post demolition restoration unless otherwise approved by the Middletown Planning Commission.
- **Hours of Demolition** – It was noted that the hours during the day when the demolition was going to take place were not listed anywhere. County permits may have the hours listed on them. It was suggested that the hours should be listed.

**Action:** Commission member Miller motioned to conditionally approve the Harris Garage Demolition Site Plan, conditional upon County approval and that demolition work will only take place between the hours of 8:00 AM and 8:00PM. Seconded by Commission member Eichelberger. Motion carried (4-0).

**School Complex Roadway Improvements Forest Resource Ordinance (FRO) Plan** – This is related to the Schoolhouse Improvement Plans regarding roadway improvements to Schoolhouse Drive and the Middletown School Campus. While there are no regulations per the Town Code specifying the Planning Commission is to review roadway plans, the Town Administrator determined that the Planning Commission ought to review these plan for additional feedback. With almost 6 acres of grass area being impacted by the proposed roadway improvements, the applicant is proposing to meet the forest conservation mitigation requirement, per Town Code, by proposing a portion of an existing forest stand near the Middletown Middle School be protected with a long term forest conservation easement. The afforestation planting mitigation is proposed to be 0.90 acres. The proposed forest retention area ‘A’ of 0.90 acres is the densest area of the 1.52 acre forest stand located on the property. Near the proposed Forest Retention Area ‘A’ is a specimen eastern cottonwood tree that is currently ranked 2<sup>nd</sup> in the state in the Maryland Big Tree program. The applicant proposes to distinguish this tree with a specimen tree sign. The FRO plans have been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

- **Tree Replacement Due to Natural Attrition** – If the identified area is to be kept as a forest stand in perpetuity, there is nothing stated that addresses the replacement of any trees that die, or are lost naturally. Discussion occurred as to whether or not the Town could place such a requirement within the FRO, and to identify the ensuing replacement requirements for trees lost. A “tree for tree” replacement is not necessary, but replacement numbers or a percentage could be identified. Maryland Department of Natural Resources defines a ‘Forest’ as an area having one-hundred (100) live trees per acre with at least fifty percent of those trees having a diameter of two (2) inches or greater.
- **Compliance Requirement** – By placing a tree replacement requirement as part of the forest conservation plan, discussion occurred as to what type of compliance requirement must be added to insure that the tree replacement is being met. This included how often the site should be checked for compliance and by whom. The Staff Planner is a Maryland State Forest Conservation Qualified Professional. As such, she could check the site for compliance. She has done this for other FRO locations.

**Action:** Commission member Lake motioned to conditionally approve the School Complex Roadway Improvements FRO Plan conditional upon; the site meeting the state definition of a forest to include the number of trees, that the site is assessed every five (5) years for compliance, and that Frederick County Public Schools coordinate all conditions within the plan with the Town. Seconded by Commission member Miller. Motion carried (4-0).

**School Complex Roadway Improvement Plans** – This site plan came before the Planning Commission last year. It is the proposed roadway improvements to Schoolhouse Drive and Middletown School Campus, including widening a portion of Schoolhouse Drive, improving vehicular circulation with the separation of buses from passenger cars, sidewalk additions and improvements, additional lighting, signing improvements and the addition of stormwater management facilities. While there are no regulations per the Town Code specifying the Planning Commission is to review roadway plans, the Town Administrator determined that the Planning Commission ought to review these plans for additional feedback. At the April workshop there was discussion concerning the lighting plan and the need to show the height of the light poles along with additional foot-candle measurements on the plans. The height of the light poles will be eighteen (18) feet. The applicant stated, if a light pole is within ten feet of a property line fifteen foot tall light poles will be used, per the Town Code. Information on the type of light to be used was shown. The plans do not show any change in the foot candle measurements.

The landscape plan is to be reviewed in relation to checking to see whether the size and location of proposed trees at the intersection of Schoolhouse Drive and East Green Street will impede sightlines. It was also determined that it would be helpful to show both the existing trees to remain and proposed trees on the landscape plans. Stormwater management was conditionally approved by the County. The Middletown Director of Public Works has not provided his comments as of yet. The plans need to show a proposed sidewalk connection from the Middletown Glen development to the elementary school.

**Action:** Commission member Lake recommended that the Planning Commission recommend the Town Board approve the School Complex Roadway Improvement Plans as long as the plans incorporate the following: 1. Confirmation that the Improvement Plans are compliant with Town Code lighting regulations showing light pole height and foot candle measurements. 2. Parking in relation to the proposed stormwater management facilities. 3. The landscape design plan verifies sight lines are not impacted and show both existing and proposed additional trees. 4. Plan shows the proposed sidewalk connection from the Middletown Glen development to the elementary school. 5. Incorporate any comments from the consulting engineer and the Director of Public Works. Seconded by Commission member Eichelberger. Motion carried (3-0-1). Commissioner Catania abstained.

**IV. ZONING** – The Planning Commission has not received the monthly report from the Zoning Administrator. The Staff Planner will follow up with the Zoning Administrator to have the report sent out.

**V. MISCELLANEOUS**

**Memorandum Annexation**– Commissioner Catania provided the Planning Commission with an update on the Town Board’s discussion regarding the Memorandum annexation petition.

**VI. ADDITIONAL PUBLIC COMMENT** – None.

**Meeting adjourned at 8:04pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary