

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

April 15th Workshop agenda for the April 20, 2020 Meeting
(agenda is subject to change as a result of discussion at the workshop)
7:00 p.m.

- I. **Public Comment**
- II. **Minutes of February 2020 Planning Commission workshop** **Approval**
- Minutes of February 2020 Planning Commission meeting** **Approval**
- Minutes of March 2020 Planning Commission workshop** **Approval**
- III. **Plan Review**
- Hollow Creek Professional Center Architectural Renderings** **Review/Approval**
- St. Thomas More Academy Revised Site Plan** **Review/Approval**
- Middletown Memorial Park Revised Site Plan** **Review/Approval**
- IV. **Zoning**
- Forest Resource Ordinance text amendment** **Review**
- V. **Miscellaneous**
- 2019 Annual Planning and Zoning Report** **Review**
- VI. **Additional Public Comment**

Zoom Invitation Information:

Time: Apr 15, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/338604506?pwd=RmorbG1WZ2pwOEpNYzQxTEk4ckNJdz09>

Meeting ID: 338 604 506

Password: 035808

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 12:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

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

Workshop

February 12, 2020

The regular workshop of the Middletown Planning Commission took place on Wednesday, February 12, 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, Commission Members Rich Gallagher, Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Ex-officio member Tom Catania arrived late. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Devin Leary (Human & Rohde, Inc.) and Tracy Diggs (Frederick County Office of Project Management)

FEBRUARY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Middletown County Park Project Forest Stand Delineation – Cindy reviewed her staff report and then the applicant walked us thru all of the proposed improvements to the park. He was asked to provide the commission with a list of all the improvements. The Master Plan was discussed as well.

Middletown County Park Project Forest Conservation Plan – The applicant discussed where the trees are proposed to be planted, and reasons why it didn't make sense to plant them in other areas of the park.

Commission chairman Carney brought up the subject of the Hollow Creek Professional Center and the fact that the revised architectural renderings were taken off the agenda for this month due to the fact that the applicant hadn't submitted all that was asked of him by the commission. There was a brief discussion of the proposed height of the office building.

ZONING – none

MISCELLANEOUS – none

Workshop adjourned at 8:00pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

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

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Workshop

March 11, 2020

The regular workshop of the Middletown Planning Commission took place on Wednesday, March 11, 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, Ex-officio member Tom Catania, Commission Members Rich Gallagher, Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Mike Moran (Lancaster Builders), Jim Merkel and Brian Riesett (St. Thomas More Academy)

MARCH MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Hollow Creek Professional Center Architectural Renderings – Mr. Moran of Lancaster Builders reviewed the changes to the building renderings. There was discussion about the colors, sign details, and height of trees used in the renderings. Commissioner Catania talked about the building height discussion that took place during the Town Board meeting on February 24th. The applicant was asked to provide some changes to the renderings ahead of the meeting.

St. Thomas More Academy Revised Site Plan – The proposed change to one building instead of two was explained. There was discussion on what the building would look like, and the applicant was asked to provide the area of decking to the plan as well as to update the proposed rendering as needed.

Memorial Park Storage Shed Replacement Site Plan – Cindy stated the reason for the proposed replacement shed and that the applicant might resubmit plans for a slightly smaller shed so that it doesn't need approval by Frederick County.

ZONING –

Forest Resource Ordinance text amendment – Cindy explained that the reason for the text amendment is to comply with the state regulations that went into effect last October. They entail reporting requirements and the addition of forest mitigation banking efforts ahead of contributing fee-in-lieu money to the town's forest conservation fund. There was discussion about protecting existing forests into the future and how that might be accomplished.

MISCELLANEOUS – none

Workshop adjourned at 8:30pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

Middletown Planning Office

MEMORANDUM

Date: 4/7/2020
Hansen# 19932

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER ARCHITECTURAL RENDERINGS**

Tax Map Parcel #03-0140989

Applicant: Mark Lancaster

Property Owner: Mark Lancaster Properties, LLC

Plan Dated: February 24, 2020; revised renderings April 6, 2020; further revised April 15, 2020

Date Received: April 6, 2020; further revisions received April 15th per discussion with Staff Planner

GENERAL INFORMATION

Proposal: Property is to be developed with 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development

Location: North side of US Route 40-A (Old National Pike) just east of the Safeway shopping center

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: vacant

COMMENTS

The following issues should be considered in your review of these Architectural Renderings:

1. Minutes from architectural rendering review on December 16, 2019 –

Hollow Creek Professional Center Revised Architectural Renderings – (Mark Lancaster (Lancaster Craftsman Builders) and David Lingg (Lingg Property Consulting) present). This is for the proposed development of 48,800 square feet of commercial space in three separate buildings with 208 parking spaces, with a self-storage facility in the rear of the property; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. The architectural renderings provided by the developer and the report from the Main Street Design Committee were reviewed. It was stated that the Main Street report was provided for the Planning Commission to review and

consider during the architectural review. It is not a directive for the applicant to implement as any recommendations would be coming from the Planning Commission.

- **3-story Building Awning** – The renderings show an awning to the left of the main entry door. The applicant stated it is to delineate the potential retail space located there from the rest of the professional office space of the building. If a restaurant goes into that retail space, it could use the area under the awning for outdoor seating. There will be recessed entry doors under the awning into the retail space, so patrons do not have to enter the professional business space before/after business hours.
- **Materials Used** – If possible, the Planning Commission would like to see samples of the materials to be used on the proposed buildings. They would also like annotations as to where each of the materials would be used. It was recommended that the applicant review the color scheme and brick work for the 3-story building to give it more visual appeal. The applicant will be beefing up the columns shown on the front of the two one-story buildings. The materials used will need to be annotated.
- **Additional Information Needed** – The Planning Commission would like more information on the following areas:
 - **Retaining Wall Sign** – The dimensions, materials and lighting plan for the retaining wall sign are needed.
 - **Walkway/Breezeway, Gazebo and Raised Planters** – Detail information is needed regarding the proposed walkway between the two front buildings, the raised planters and the proposed gazebo, including materials used.
 - **View of East Side of Property** – The Planning Commission has requested an architectural rendering of the view of the east side of the property looking west toward Safeway. One was not provided.

Action: No action taken.

Draft Minutes from architectural rendering review during workshop on March 11, 2020 –

Hollow Creek Professional Center Revised Architectural Renderings – Mr. Moran of Lancaster Builders reviewed the changes to the building renderings. There was discussion about the colors, sign details, and height of trees used in the renderings. Commissioner Catania talked about the building height discussion that took place during the Town Board meeting on February 24th. The applicant was asked to provide some changes to the renderings ahead of the meeting.

2. Previous conditions of site plan approval on October 21, 2019– Items of site plan approval that have been met:

- Review and approval of the Preliminary Forest Conservation Plan by the Planning Commission
- Review and approval by Town Engineer, Bruce Carbaugh – monitoring manhole shall be provided for the site; truck turning tracks appear to be acceptable; details of valve locations will be addressed in the improvement plans
- Acceptance of 204 parking spaces by the Planning Commission instead of the 205 proposed

Items of approval that are needed before Improvement plans can be submitted:

- Letter from SHA showing approval for right-in only access from Alternate 40-A
- Approval of the Stormwater Management concept plan by Frederick County

- Submittal of appropriate documents and easements by the owner of the shopping center and the BB&T Bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center, as well as the sign and dumpster locations
- Submittal of appropriate documents and easement for the revertible grading easement from AC Jets
- Modification to General Note #5 (Parking and Loading) for possible restaurant use on the pad sites before submittal of plans for signature
- Architectural review and approval of the buildings and retaining wall signage by the Planning Commission

3. **Architectural review** – During the March Planning Commission workshop, the commission members reviewed the changes that were made to the 3-story professional building to make it more visually pleasing, which included the bump outs and brick banding to provide more architectural detail. The applicant has submitted revised renderings for review by the Planning Commission in a 28-page pdf document which give some additional detail.

The renderings now include the view of the back of the building, and a close-up detail of the brick and windows proposed. The rendering of the view from the east via the AC Jets property does not include trees in the view as it did in the past submission. The rendering previously shown which indicated the various exterior finishes and their locations was not included in this submission.

The three-story building has projections on each corner which breaks up the exterior wall for some added interest. The window frames for much of the office are black and a darker double brick soldier course was added to create a band above the windows which further enhances the visual appearance of the building. The color of the metal roof for office building, retail buildings and gazebo is shown as well as the color of the stucco for the office building. The brick planters located in the median strip of the parking area replicates the details of the building using the same brick as the building and the darker brick for the row lock cap. The maximum height of the brick planters is shown as 42-inches (3 ½ feet).

Included in the packet is a rendering of what the retaining wall that incorporates the lettering for the center will look like. The dimensions of the wall and the lettering are shown along with a depiction of the brick that will be used. Staff assumes that letter color called ‘powder coated galvalume’ is the white that is shown. The lighting plan for the retaining wall sign is still needed.

The specifications for the gazebo are included with a height of 15-feet indicated in the rendering. There are depictions of what the gazebo columns and railing will look like as well as the pavers that will be used for the gazebo floor and courtyard area. The pavers will be the same color as the retaining wall used at the front of the property.

The revised renderings were submitted to the Main Street Manager for review. It is suggested that the windows be changed to a more traditional window look with divided lights. If the windows were a more rectangular shape and landscape-oriented, it might improve the look. The Main Street Manager feels that the roof line and the parts of the wall that recess and project could be more dramatic, and the center of the front façade still looks odd or out of scale.

Attached in the workshop packet are some photos taken of the Boys Latin School which is in the middle of a historic district near the Main Street Manager's house. There are large churches, a school, and lots of Victorian-era homes in the neighborhood. The Main Street Manager thinks that this particular building does a good job of employing "tricks" to make the massing look smaller for a large building that is adjacent to a 2-story house.

This review will be included in the Middletown Planning Commission materials for the April 20, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held April 15, 2020.

cc: Charles Jenkins, Lancaster Builders, Inc.

Middletown Planning Office

MEMORANDUM

Date: 4/7/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SAINT THOMAS MORE ACADEMY REVISED SITE PLAN**

Tax Map Parcel #03-0140334

Applicant: Saint Thomas More Academy (Jim Merkel – Board President)

Property Owner: St. Thomas More Academy Inc.

Plan Dated: February 24, 2020; revised March 14, 2020

Date Received: April 6, 2020

GENERAL INFORMATION

Proposal: Amendment to site plan to add one (instead of two) temporary classroom structure to the school property

Location: 103 Prospect Street, between East Main Street and Franklin Street.

Zoning: R-2 Residential. This district permits churches, schools, libraries, museums and parks, playgrounds, and family day care homes, as well as single-family dwellings, two-family dwellings and duplexes.

Present Use: Private school

COMMENTS

The following issues should be considered in your review of this revised Site Plan:

1. Minutes from previous site plan approval on August 20, 2018 –

St. Thomas More Academy Site Plan Revision – (Patricia Neuman (Dean of Academics, St. Thomas Moore Academy), Veronica Kosch (Director, St. Thomas More Academy) and Brian Riesett (Board Member, St. Thomas More Academy) were present.) This is a proposed amendment to the site plan to add two temporary classroom structures to the school property located at 103 Prospect. The main building is currently being used as a private school with 85 students and 15 staff. The proposed temporary use is for each of two temporary 20 x 20 modular buildings to be classrooms with 15 students and 1 teacher from 8:00am-3:15pm Monday thru Friday. The fifteen students will walk back and forth between the two buildings to attend various subject classes. The applicant has stated that the temporary use of the classroom buildings would most likely be for five or six years. Their intent is to purchase both the school building at 103 Prospect Street (which is going thru the approval process at the state level currently), and the library building after the new library is built on East Green Street. The Planning Commission was provided a site plan that shows

the proposed location of the temporary structures. The revised site plan shows the temporary classrooms to be located ten feet from the northern side lot line which is adjacent to the Middletown Library property. The applicant would like to place the classrooms six feet from the side lot line, if allowed. Placing the temporary classrooms closer to the lot line would provide more of the rear yard to be used for other purposes. There is no change in the required number of parking spaces. The applicant would need to go to the County for a building permit. The applicant provided a photo of a similar temporary building currently in use at a school in Pennsylvania. The Staff Planner suggested that the site plan be revisited after five years to ascertain that the temporary classrooms don't become permanent without proper approval from the Planning Commission.

- **Dumpsters** - Although the site plan shows a dumpster area adjacent to the proposed classroom buildings, the dumpster area is actually located on the northern side of the building on the grass adjacent to the parking lot which is library property. They need to be moved onto the parking lot to be on the school property.
- **Screening** - It was noted at the Planning Commission workshop that the dumpsters should be screened from adjoining properties. The temporary buildings would be screened as well. Screening will have to be provided to screen between the existing building and the temporary buildings and dumpsters, and along the lot line with the Library.
- **Purchase of the Library Building** – Questions were raised regarding the availability of the current library building being available for purchase in 5 years. There is no information that a new library will be built by that time.
- **Frederick County Life Safety Office** – Will have to review and approve the proposed use of the two temporary structures.
- **Update to the Site Plan** – The Site Plan should be updated to show the following:
 - Identify the distance of the spacing between the two temporary buildings as 3 feet.
 - Identify the distance from the main building to the nearest classroom building.
 - Identify the distance from the main building to the raised curbing in the parking lot.
 - Identify the distance from the raised curbing in the parking lot to the wall of the nearest temporary structure.
 - Identify the turning radius still gives access in to the overflow parking lot.

Action: Commission member Gallagher motioned to conditionally approve the St. Thomas More Academy Concept Site Plan conditional upon the temporary structures being located 6 feet from the property line, review and approval from Frederick County including the Office of Life Safety, and the Site Plan being updated as follows: to identify the distance of the spacing between the two temporary buildings as 3 feet, identify the distance from the main building to the first building, identify the distance from the main building to the curbing in the parking lot, identify the distance from the curbing in the parking lot to the wall of the first temporary structure, and identify that the turning radius still gives access in to the overflow parking lot. This concept site plan will be valid for 5 years and then subject to review by the Planning Commission. Seconded by commission member Dixie Eichelberger. Motion carried (4-0).

Draft minutes from revised site plan review during workshop on March 11, 2020 – St. Thomas More Academy Revised Site Plan – The proposed change to one building instead of two was explained. There was discussion on what the building would look like, and the applicant was asked to provide the area of decking to the plan as well as to update the proposed rendering as needed.

2. **Use** – The use is a private school with 85 students and 15 staff with approximate hours of operation from 8:00am-3:15pm Monday thru Friday which was approved by the Planning Commission on July 16, 2012. An amendment to the hours of operation was approved by the Planning Commission on October 15, 2012, which in effect deleted the approximate hours of operation from the approved site plan. Typically, the regular hours of operation are 7:00am-3:30pm Monday through Friday for regular school activities. From 3:30-6:00pm, Monday through Friday, a small group of children numbering 6 or less, but occasionally up to 10, stay after school for the homework club. All club members are picked up no later than 6pm. Three days a week, various student clubs meet after school until 4:30pm, which could include 8-20 children. Once per month, the PTO meets at the school from 7:00-9:30pm.
3. **Previous conditions of approval** – The site plan had been revised to show the temporary buildings as 6-feet from the side lot line. The site plan had been revised to show the distance from the principal building to the temporary classroom, the distance from the raised curb to the temporary classroom and the turning radius into the overflow parking area. The site plan shows the fence for the relocated dumpsters.
4. **Temporary use** – The revised temporary use is for one temporary 20 x 40 modular building, instead of the previously approved two temporary 20 x 20 modular buildings, to be two classrooms with 15 students and 1 teacher each from 8:00am-3:15pm Monday thru Friday. The applicant has stated that the temporary use of the classroom building would most likely be for five or six years. They have purchased the school building at 103 Prospect Street, and propose to purchase the adjacent library building after the new library is built on East Green Street. It is staff's opinion that the site plan be revisited after five years to ascertain that the temporary classroom doesn't become permanent without proper approval from the planning commission.

The building will be constructed on site and will include decking. Using one temporary building, as opposed to two, will be easier to maintain, and there will be no area between buildings to maintain. This most recent submission includes an updated floor plan and elevations to reflect the one building being proposed. It also shows the decking area around the building.

5. **Accessory use or building** – The definition of an accessory use or building according to the Middletown Municipal Code is as follows: "Accessory use or building" means a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory building is not attached by any part of a common wall or common roof to the principal building.
6. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all institutional buildings unless all of the following conditions are met: A. There is no change in the amount of parking needed; B. The intensity of use has not changed; C. There are no exterior structural changes; D. The building or use has not been grandfathered; E. The building or site meets all existing regulations for the district in which it is located. Since the intensity of use of the property is proposed to change, the site plan does require approval by the planning commission. The planning commission is being provided a site plan that shows the proposed location of the temporary structure. No architectural review

authority is provided to the planning commission for development(s) in the R-2 residential zoning district.

- 7. Yard requirements** – According to Section 17.32.170(D), one-story accessory buildings with a maximum height of twenty-five (25) feet may project into yards provided that: (1) the building does not occupy more than thirty (30) percent of the rear yard; (2) when more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines. The revised site plan shows the temporary classroom to be located six feet from the northern side lot line which is adjacent to the Middletown Library property. The total height of the building should be indicated on the plans.



- 8. Parking** – Section 17.32.060B of the Middletown Municipal Code states that the minimum number of parking spaces for schools is subject to site plan approval. The Code also states that parking requirements may be waived or reduced by the planning commission in any instances based on a demonstrated hardship. The approved site plan showed existing parking of 15 spaces which included one handicapped parking space, and 16 overflow parking spaces. The proposed classroom buildings would impede on the overflow parking area. Staff has been told that the

overflow parking area is rarely used for that use, and existing parking is adequate for all the employee and visitor needs.

9. **Approval by Frederick County** – An external improvements application will need to be filed with the Frederick County Permits department.

This review will be included in the Middletown Planning Commission materials for the April 20, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 15, 2020.

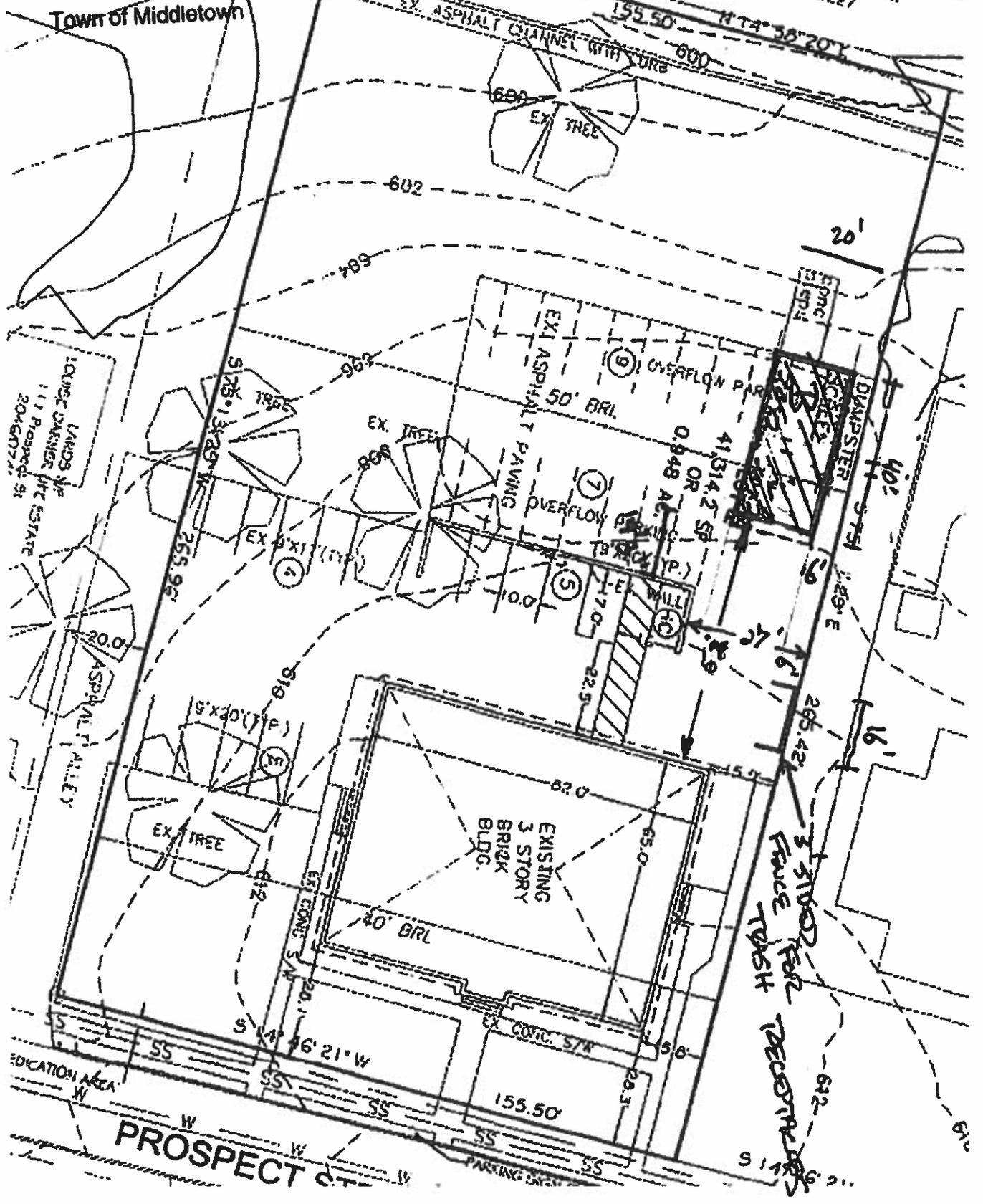
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FEB 27 2020

Town of Middletown

LANDS NP
REPORTED CEMETARY
416727

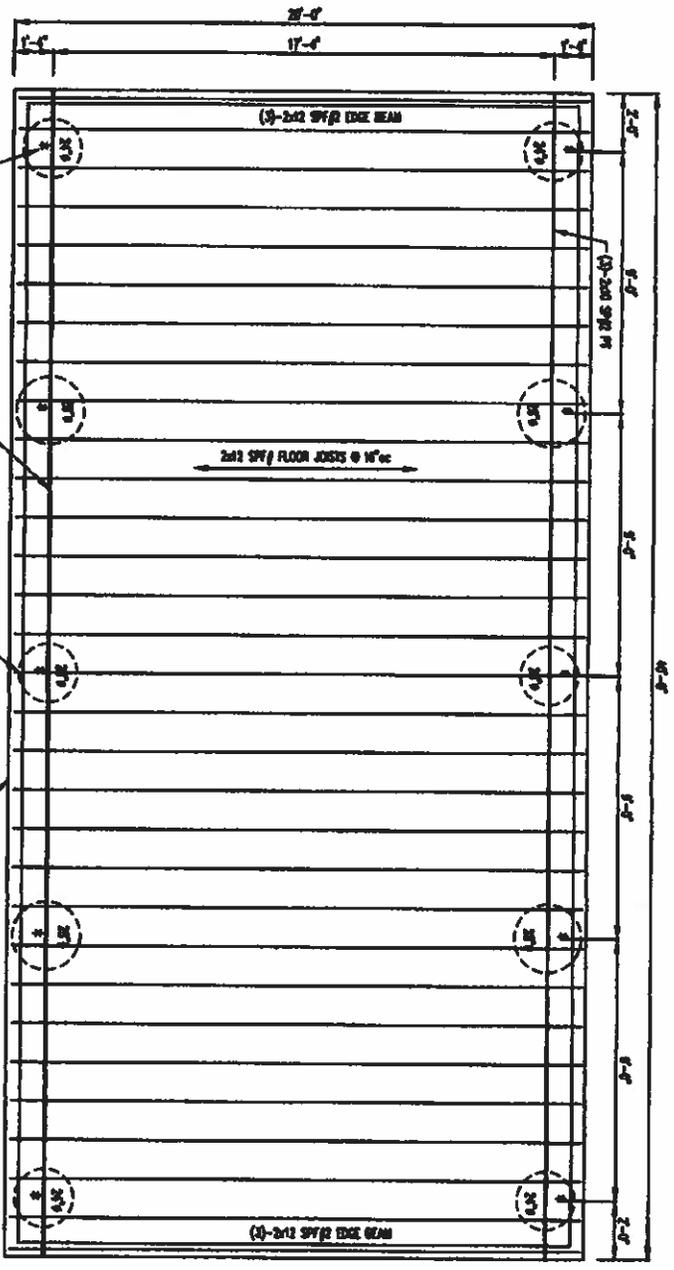
PE



LANDS NP
111 Prospect St
2046071

3 STUD FOR RECORD
FENCE WITH RECORD

PROSPECT CT



DESIGN FOR 2015 / 18 MS
 FLOOR LIVE LOAD - 40 PSF (SEE 104)
 ROOF LIVE LOAD - 20 PSF (SEE 104)
 WIND - 115 MPH

FIRST FLOOR STRUCTURE PLAN
 1/4" PER FOOT

RECEIVED

FEB 27 2020

Town of Middletown

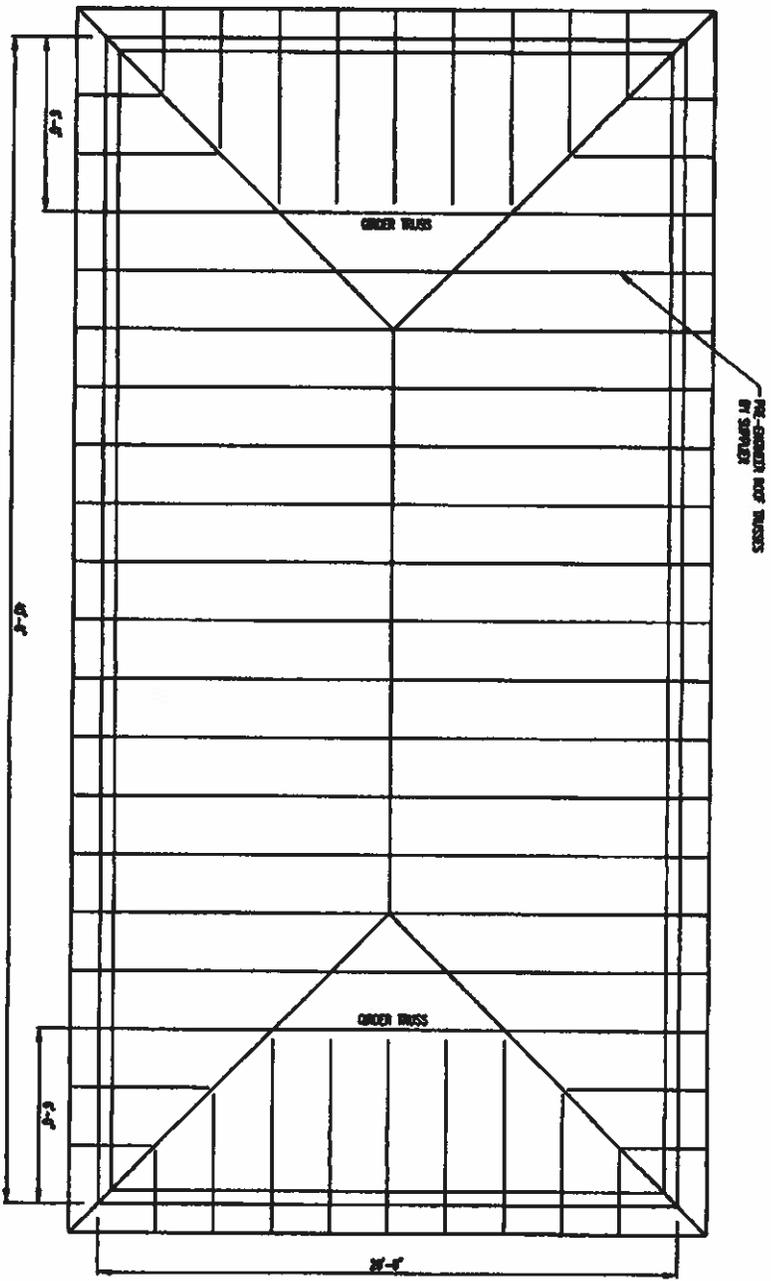
Professional Certificate / I hereby certify
 that these documents were prepared or
 approved by me, and that I am a duly licensed
 professional engineer under the laws of
 the State of Maryland, License No. 74362.
 Expiration Date: 11-17-2021.

2-24-2020

FRAMING PLANS	
SAINT THOMAS MORE ACADEMY 103 PROSPECT ST, MIDDLETOWN, MD	
FIRST FLOOR STRUCTURE PLAN	S1 of 2
2/24/2020	

**STRUCTURAL
 ENGINEERING
 RESOURCES, LLC**

26 NORTH FOURTH STREET
 GETTYSBURG, PA 17325
 (717) 337-1335
 WWW.SERLLC.COM



ROOF FRAMING IS DESIGNED TO COMPLY WITH THE
 REQUIREMENTS OF THE INTERNATIONAL RESIDENTIAL
 CODE BOARDS. ANY OTHER CONSIDERATIONS AND/OR
 CHANGES TO THIS DESIGN MUST BE APPROVED BY THE ENGINEER.

ROOF STRUCTURE PLAN
 1/4" = 1'-0"

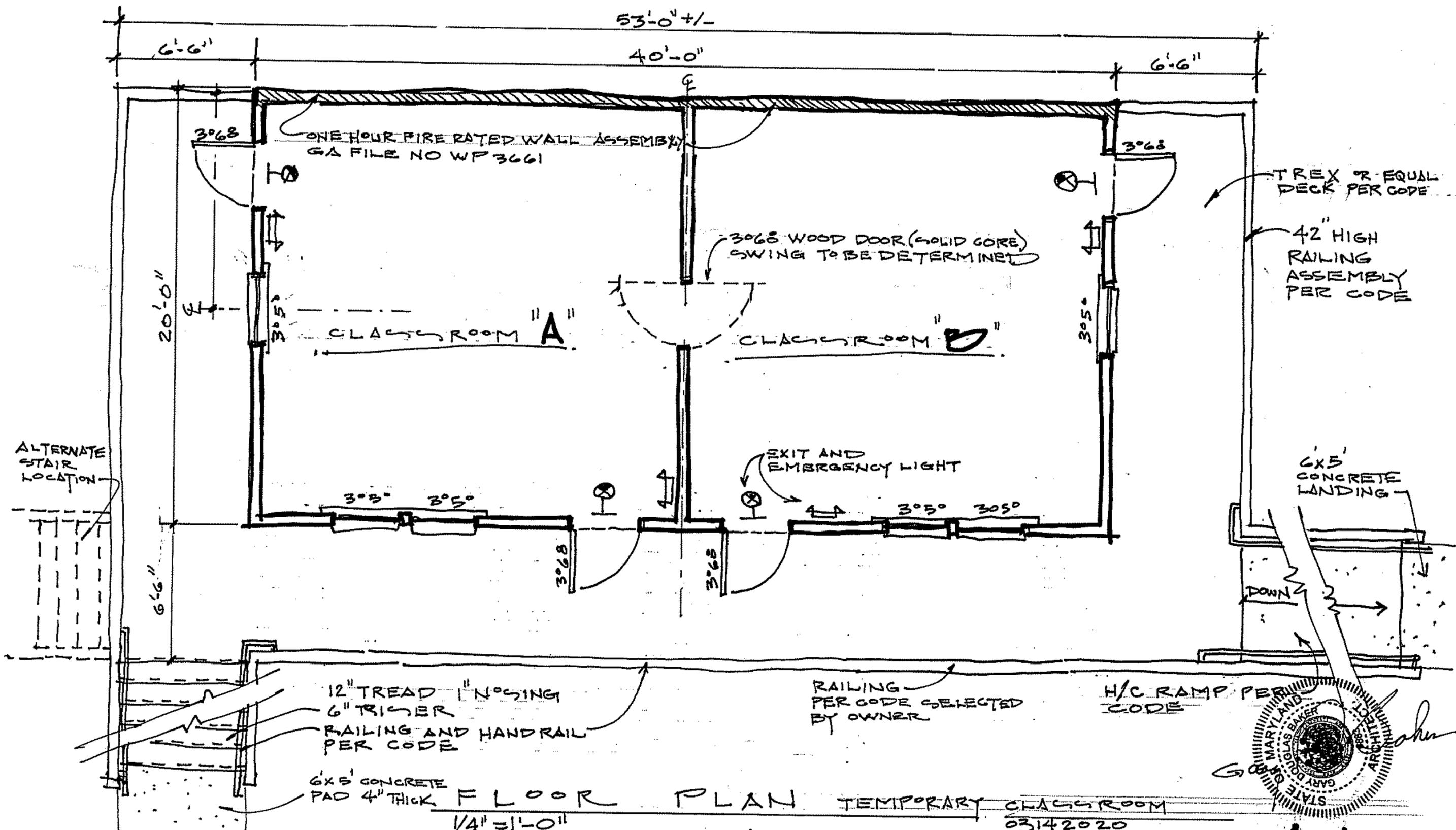
Professional Engineer, I hereby certify
 that these documents were prepared or
 approved by me, and that I am a duly licensed
 professional engineer under the laws of
 the State of Maryland, License No. 26912.
 Expiration Date: 11-17-2021.

[Handwritten Signature]

2-24-2020

FRAMING PLANS	
SAINT THOMAS MORE ACADEMY 103 PROSPECT ST, MIDDLETOWN, MD	
ROOF STRUCTURE PLAN	2/24/2020
S2 of 2	

**STRUCTURAL
 ENGINEERING
 RESOURCES, LLC**
 26 NORTH FOURTH STREET
 GETTYSBURG, PA 17325
 (717) 337-1333
 WWW.SERLLO.COM



ONE HOUR FIRE RATED WALL ASSEMBLY
GA FILE NO WF 3661

3068 WOOD DOOR (SOLID CORE)
SWING TO BE DETERMINED

CLASSROOM "A"

CLASSROOM "B"

EXIT AND EMERGENCY LIGHT

TREX OR EQUAL
DECK PER CODE

42" HIGH
RAILING
ASSEMBLY
PER CODE

6x5
CONCRETE
LANDING

ALTERNATE
STAIR
LOCATION

12" TREAD 1" NOSING
6" RISER
RAILING AND HANDRAIL
PER CODE

RAILING
PER CODE SELECTED
BY OWNER

H/C RAMP PER
CODE

6x5
CONCRETE
PAD 4" THICK

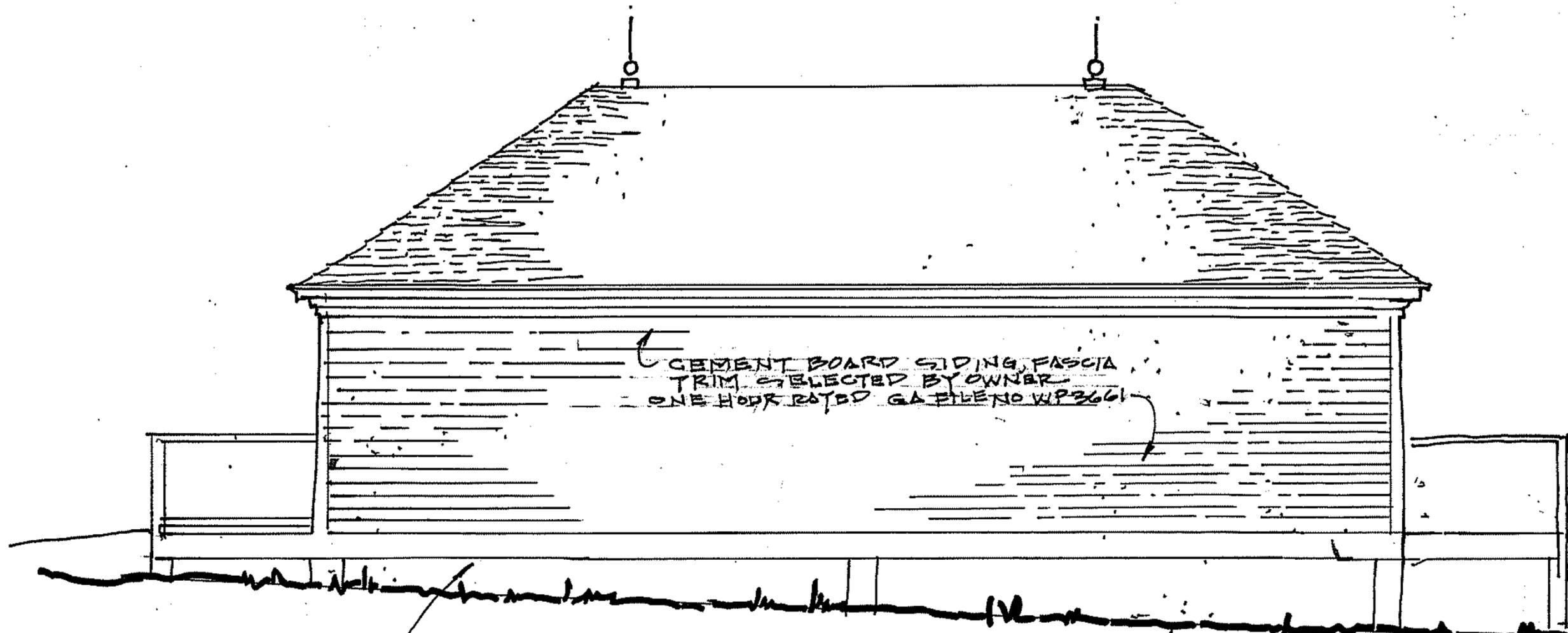
FLOOR PLAN TEMPORARY CLASSROOM
1/4" = 1'-0"
03142020



SAINT THOMAS MORE ACADEMY
103 PROSPECT STREET MIDDLETOWN MARYLAND

GARY D. BAKER ARCHITECT

A-1



CEMENT BOARD SIDING, FASCIA
TRIM SELECTED BY OWNER
ONE HOUR RATED GATELENO WP366

FOUNDATION PER ENGINEER DESIGN

APPROX. GRADE VIF

REAR ELEVATION

1/4" = 1'-0"

SAINT THOMAS MORE ACADEMY
103 PROSPECT STREET MIDDLETOWN MARYLAND

A-2

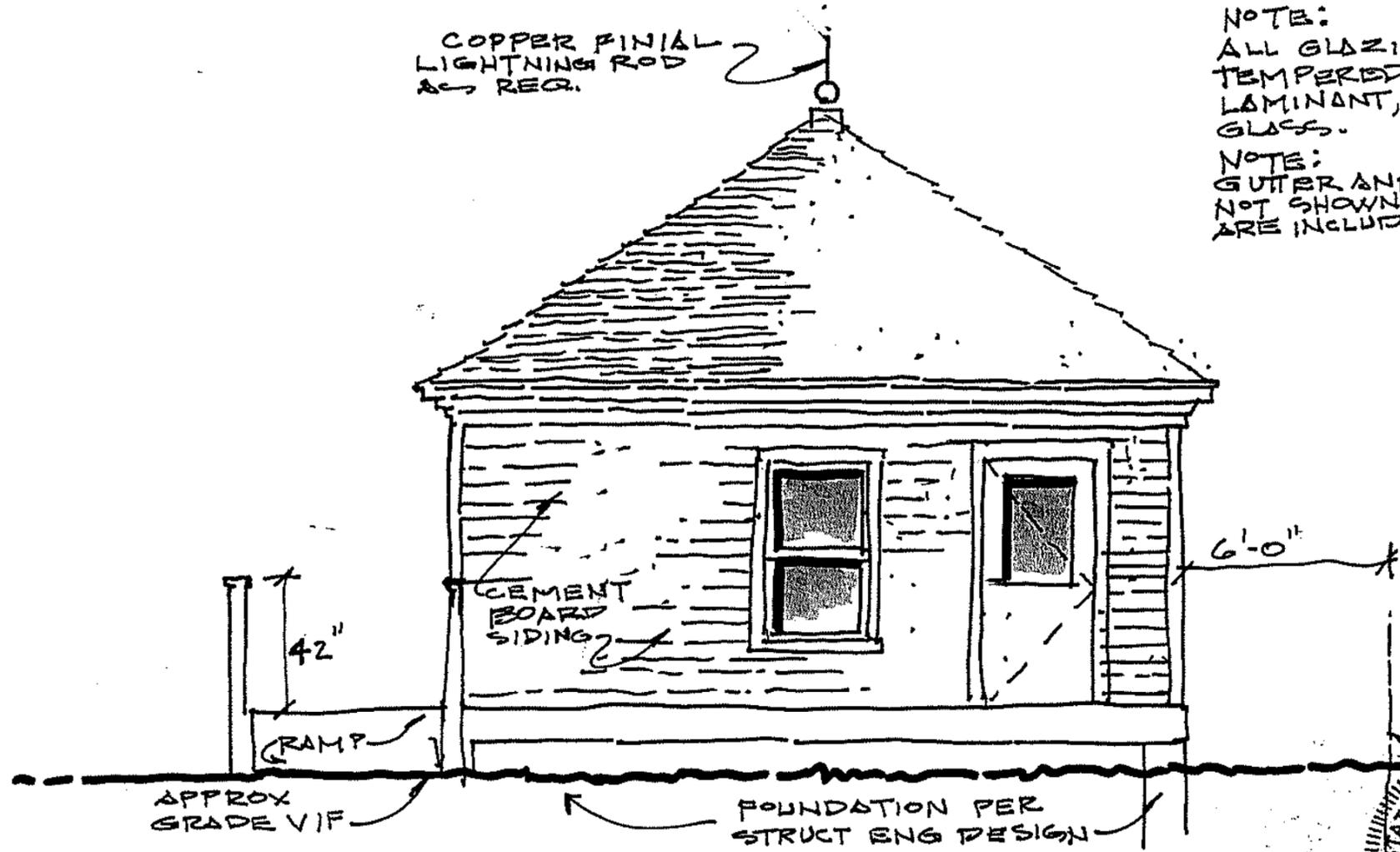
GARY D. BAKER ARCHITECT



COPPER FINIAL
LIGHTNING ROD
AS REQ.

NOTE:
ALL GLAZING SHALL BE
TEMPERED OR SAFETY
LAMINANT, CLEAR INSUL.
GLASS.

NOTE:
GUTTER AND DOWNSPOUTS
NOT SHOWN FOR CLARITY BUT
ARE INCLUDED IN SOW.



SIDE ELEVATION
1/4" = 1'-0"

SAINT THOMAS MORE ACADEMY
103 PROSPECT STREET MIDDLETOWN MARYLAND



GARY D. BAKER ARCHITECT

A-3

COPPER FINIAL
LIGHTNING ROD AS REQ.

CONCEALED RIDGE VENT

8/12

40 YEAR ARCHITECTURAL
FIBERGLASS SHINGLES

NOTE:
ALL GLAZING SHALL BE
TEMPERED OR SAFETY
LAMINANT CLEAR GLASS

NOTE:
GUTTER AND DOWNSPOUTS
NOT SHOWN FOR CLARITY BUT
ARE INCLUDED IN S.O.W.

CEMENT BOARD SIDING
FASCIA TRIM

H/C 1/2 SLOPE
RAMP PER
SITE
CONDITIONS

APPROX GRADE VIF

FOUNDATION PER ENGINEER DESIGN SEE OWNER

FRONT ELEVATION

1/4" = 1'-0"

SAINT THOMAS MORE ACADEMY
103 PROSPECT STREET MIDDLETOWN MARYLAND

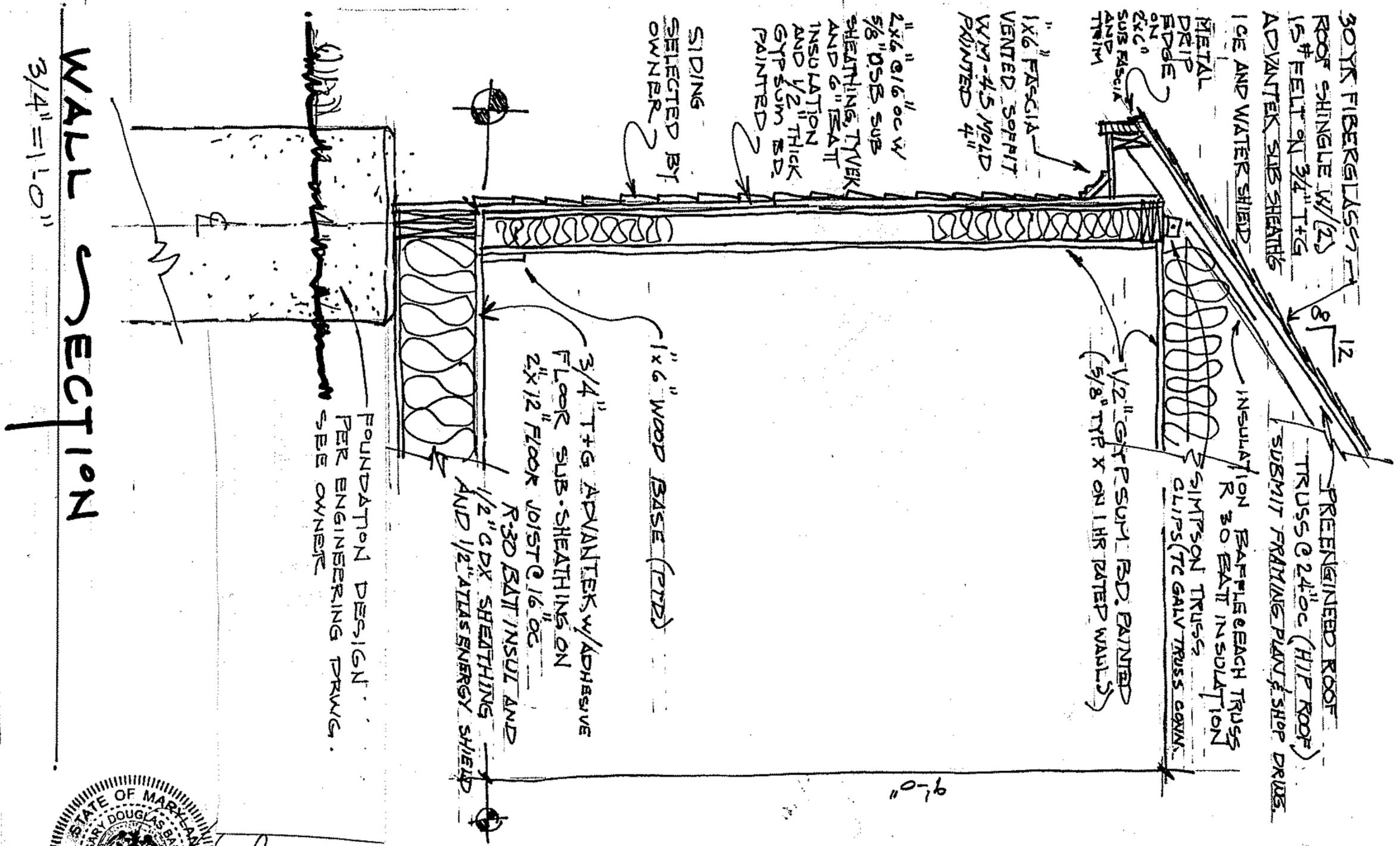


A-4

GARY D. BAKER ARCHITECT

SAINT THOMAS MORE ACADEMY

103 PROSPECT STREET MIDDLETOWN MARYLAND



WALL SECTION
3/4" = 1'-0"

FOUNDATION DESIGN PER ENGINEERING DRWG. SEE OWNER



GARY D. BAKER ARCHITECT

0-6

03142020

A.5

Middletown Planning Office

MEMORANDUM

Date: 4/7/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MEMORIAL PARK STORAGE SHED REPLACEMENT SITE PLAN**

Tax Map Parcel #03-126811

Applicant: Middletown Burgess & Commissioners

Property Owner: Middletown Burgess & Commissioners

Plan Dated: February 20, 2020

Date Received: March 2, 2020

GENERAL INFORMATION

Proposal: Construction of a replacement storage shed for MVAA Softball

Location: Memorial Park – 310 South Church Street

Zoning: OS Open Space (2.96 acres). The Open Space district permits parks, playgrounds, golf courses, public and private recreational uses and cemeteries, along with schools, churches, community centers and other public buildings and those accessory uses commonly associated with them.

Present Use: Existing park

COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **Draft Minutes from site plan review during workshop on March 11, 2020 –**

Memorial Park Storage Shed Replacement Site Plan – Cindy stated the reason for the proposed replacement shed and that the applicant might resubmit plans for a slightly smaller shed so that it doesn't need approval by Frederick County.

2. **Use** – The proposed use is for a 10-foot by 15-foot storage shed to be erected at Memorial Park to replace a 6'x8' shed which is in poor condition. The new shed would be able to store the lawn tractor used regularly for conditioning the field, which is currently stored at a neighbor's house. The proposed shed would be placed out of sight of park users behind the bathroom building where the horseshoe pits are currently located. Town officials have stated that the horseshoe pits are essentially never used.

3. **Lot requirements** – The building setbacks for the open space district are 50-foot front and rear yards and 15-foot side yards. The request materials do not indicate the proposed distance from the side lot line, but a visit to the site with a measuring wheel showed the distance to the property line to be about 30-feet. The height of the storage shed needs to be provided.



4. **Water and Sewer requirements** – No water is being proposed for the storage shed.
5. **Approval by Frederick County** – The storage shed will need building permit approval from Frederick County.

This review will be included in the Middletown Planning Commission materials for the April 20, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 15, 2020.

Memorial Park

Request to Build MVAA-funded Softball Field Shed

MVAA Softball is requesting the Town's approval for MVAA to fund the removal and replacement of their storage shed (6' x 8') (currently located at the backstop) with a new one, slightly larger at 10' x 15' at Memorial Park. The goal will be for the shed to maintain a similar style to other buildings at the park. We intend to place the shed well out of sight to park users, behind the bathroom building. A prior conversation with Drew Bowen and Burgess John Miller indicated that the horseshoe pits back there were okay to remove in the process since they are essentially never used. MVAA is happy to remove them and re-establish grass there. The new shed will be able to store the lawn tractor used regularly for conditioning the infield. This tractor is currently stored at a neighbor's house but can't be stored there forever, thus the request for us to build a larger shed than what we currently have.



The existing shed is in poor condition and blocks half of the view from behind the backstop. This will be removed by MVAA, and we'll establish some grass in its place. Opening up the backstop for spectators will be another advantage of this project. We plan to add one more set of bleachers when funding is available, situated symmetrically behind the backstop with the current bleachers, so there is more room for parents to enjoy watching their kids play!



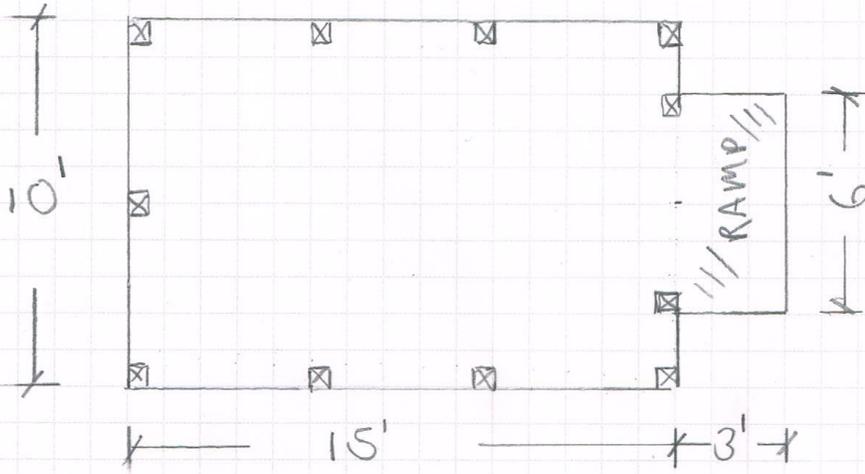
We appreciate the Town's consideration in this small project. The 10' x 15' size meets the Frederick County size requirement for NOT needing a permit. The work will be completed by one of the softball coaches, Rob Melby, who has extensive experience in building construction, and is vastly overqualified to build a shed. Sketches of the shed follow on the next pages.

Thank you,

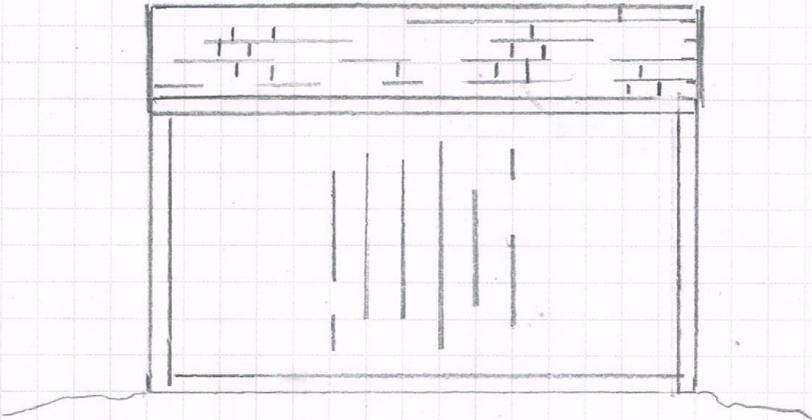
Jon Lobenstine, MVAA Director of Facilities
Emil Kahihikolo, MVAA Director of Softball

MVAA SOFTBALL SHED

R.A. Meby



FLOOR PLAN

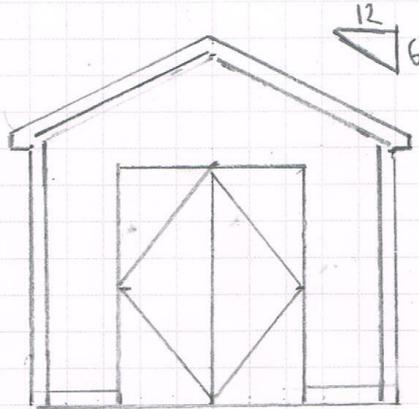


EAST ELEV.

SCALE □ = 1'-0"

MVAIA SOFTBALL SHED

R. A. Melby



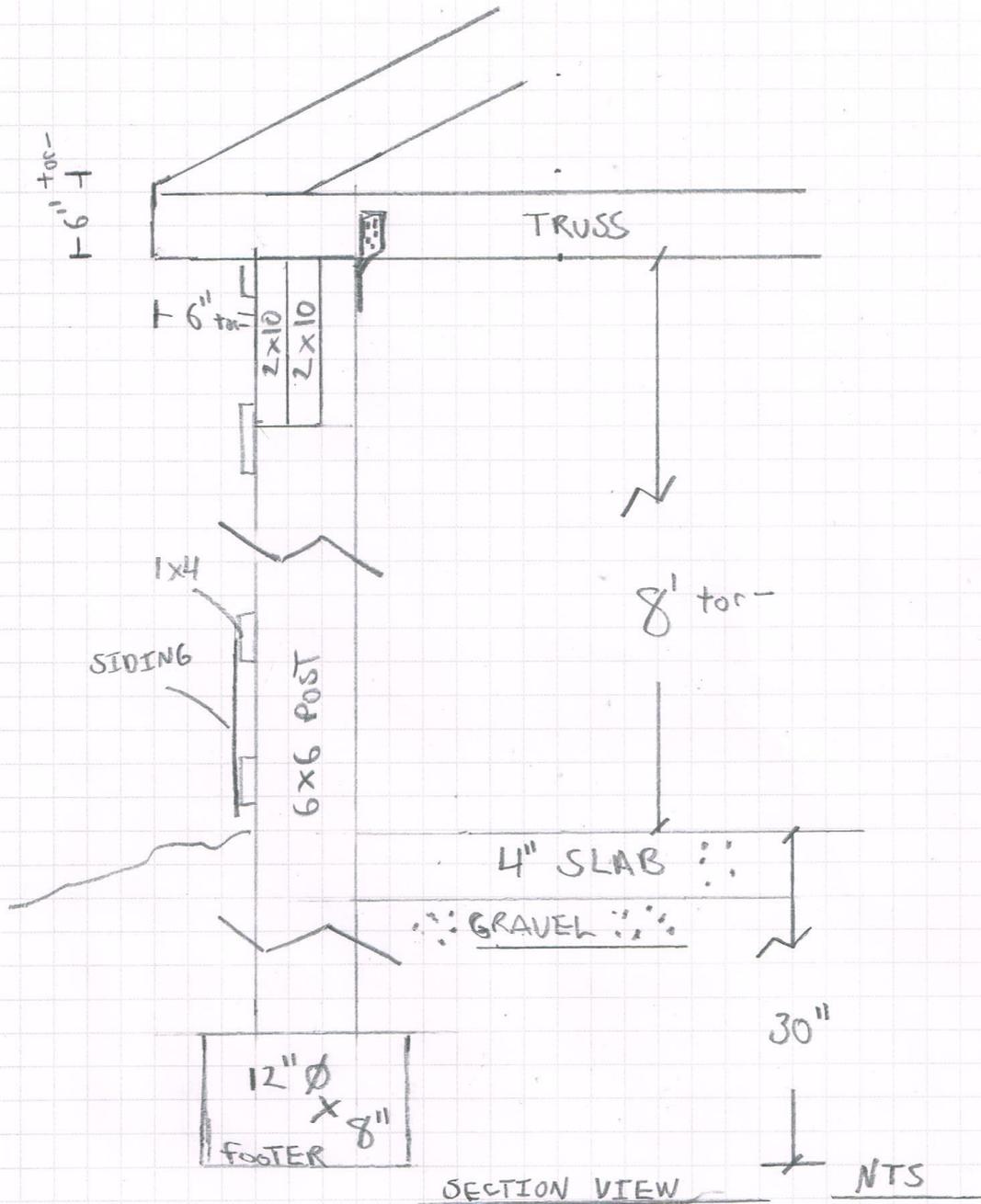
NORTH ELEV.

NOTES

- ① Siding will be Metal or wood Painted "Park Brown"
- ② Shed will be built in a pole barn Manor.
- ③ concrete floor
- ④ Brown gutters
- ⑤ Shingles to Match Bathroom in color and style
- ⑥ Roof Pitch to Match Bathrooms.
- ⑦ Doors will be Painted Cedar
- ⑧ All materials, fasteners and workmanship will be done to code or Better.

R.A. MELBY

MVAAs SOFTBALL SHED



MEMORANDUM

Date: 3/3/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Forest Conservation Ordinance proposed changes per changes in State regulations

Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State’s Forest Conservation Act. This bill requires a few changes to the Town’s Forest Resource Ordinance. Here is a summary:

- The bill adds mitigation banking to the forest conservation fund.
- The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
- The bill also requires the local governments to submit to the Maryland Forest Service:
 - A general plan identifying appropriate and potentially available areas for mitigation projects.
 - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
 - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

In accordance with State law, the Town must send all FRO text amendments to the Maryland Department of Natural Resources for review and approval. The amendments were sent to the State on September 2, 2019, with revisions sent on January 2, 2020.

Attached is a text amendment with proposed changes to the Middletown Forest Conservation Ordinance to bring it in line with the new state regulations. The Planning Commission shall review the proposed amendment and shall submit its recommendations or comments to the Burgess & Commissioners.

IF the Town is interested in emulating Frederick County’s Forest Resource Ordinance, these would be the needed additions to the Town’s ordinance:

16.40.011 - DEFINITIONS.

INTERMITTENT STREAM. [A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.] A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry

periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the Department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

PERENNIAL STREAM. [A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.] A stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

16.40.041 – RETENTION PRIORITY

B.4. Critical habitat areas for sedentary animal species; identified as threatened, endangered or in-need-of-conservation under the Maryland Nongame and Endangered Species Conservation Act, Md. Code Ann., Natural Resources Article, §§ 10-2A-01 through 10-2A-09.

5. The following trees or forested areas shall be retained and protected unless the applicant has demonstrated to the satisfaction of the Department that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

- (a) Forest areas that buffer significantly noncompatible land uses, such as industrial and residential, as determined by the Department; and
- (b) Other forested areas that because of their size, location, species composition, or quality are deemed by the Department as being worthy of conserving permanently.

16.40.043 – REFORESTATION AND CONSERVATION THRESHOLD

A.1. Calculation of Requirements. There are two methods to calculate reforestation requirements. The method that results in the most reforestation shall be used.

- (1) The first method shall require a 1:1 replacement. This means that for every one acre (or portion thereof) of forest removed, one acre must be planted.
- (2) The second method, the “Standard Method”, is set forth in subsection _____.

ORDINANCE NO. 20-03-01

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 OF THE CODE OF THE TOWN OF MIDDLETOWN PERTAINING TO THE FOREST CONSERVATION FUND REQUIREMENTS IN ORDER TO COMPLY WITH RECENT AMENDMENTS BY THE STATE TO LOCAL FUND REQUIREMENTS; TO AMEND THE REQUIREMENTS FOR PAYING MONEY INTO THE FUND; TO AMEND THE TOWN REPORTING REQUIREMENTS TO THE STATE; TO PROHIBIT THE TOWN FROM COLLECTING MONEY FOR DEPOSIT INTO THE FUND UNLESS THE REPORTING REQUIREMENTS HAVE BEEN SATISFIED.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapters 16.40.028 and 16.40.030 of the Middletown Municipal Code be, and hereby is amended to add additional language concerning the Forest Conservation Fund. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 16 - SUBDIVISIONS

16.40.028 - Middletown forest conservation fund.

- A. There is established a forest conservation fund in the town of Middletown.
- B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money into the Middletown Forest Conservation Fund:
 - 1. Until September 30, 2014, at a rate of thirty (30) cents per square foot of the area of required planting;
 - 2. After September 30, 2014, at a rate adjusted for inflation as determined by the state annually by regulation.
- C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.
- D. The town shall accomplish the reforestation or afforestation for **THE EQUIVALENT NUMBER OF ACRES FOR** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.
- E. Money deposited in the local forest conservation fund:
 - 1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;
 - 2. Shall be deposited in a separate forest conservation fund; and
 - 3. May not revert to the general or any other fund.

- F. Sites for Afforestation or Reforestation Using Fund Money.
1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.
 2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.
- G. **EVERY TWO YEARS, THE TOWN SHALL PROVIDE TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES A GENERAL PLAN IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS AND DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND. THE MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.**

1. THE TOWN:

- (1) **MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE TOWN HAS SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUB-SECTION G. OF THIS SECTION; AND**
- (2) **SHALL ENSURE THAT THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER §5-1607 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.**

16.40.029 *{Unchanged}*

16.40.030 - Annual report and biennial review.

- A. On or before March 1 of each year, the town shall submit to the Department of Natural Resources an annual report which contains:
1. The number, location, and type of projects subject to the provisions of this chapter since the last annual report;

2. The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the one hundred (100) year floodplain, in connection with a development project;
3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;** and
4. The costs of implementing the forest conservation program.
5. The size, location, and protection of any local forest mitigation banks which are created under the forest conservation program;
6. The number, location, and type of violations and type of enforcement activity conducted in accordance with this chapter; and
7. To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

B. The town shall submit the necessary documentation to comply with COMAR 08.19.02.04 which provides for Department of Natural Resources biennial review of the local forest conservation program.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess



MIDDLETOWN PLANNING COMMISSION

2019 ANNUAL REPORT

Approved _____, 2020 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2016-4/2020)

Jennifer Falcinelli, Burgess Pro-tem (4/2018-4/2022)

Larry Bussard (4/2018-4/2022)

Richard Dietrick (4/2018-4/2022)

Chris Goodman (4/2016-4/2020)

Tom Catania (4/2016-4/2020)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

Mark Carney, Chairman (12/2016-12/2021)

David Lake (1/2017-1/2022)

Bob Miller (5/2018-5/2023)

Rich Gallagher (12/2016-12/2021)

Tom Catania, Comm. Ex-Officio (4/2016-4/2020)

Dixie Eichelberger, Alt. (6/2017-2/2021)

Eric Ware, Temp. Alt. (12/2018-5/2022)

Middletown Board of Appeals

Daphne Gabb, Chair (4/17-5/19, 5/2019-5/2022)

Thomas Routzahn (1/2017-1/2020)

Tim Coakley (1/2017-1/2020)

Alex Kunderick, Alternate (3/2017-3/2020)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Mark Hinkle

Engineering Staff

Bruce Carbaugh, Director of Public Works

J.R. Hawkins, Project Manager

INTRODUCTION

The 2019 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
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23
2014 Estimate	4,313	18
2015 Estimate	4,321	8
2016 Estimate	4,336	15
2017 Estimate	4,372	36
2018 Estimate	4,439	67
2019 Estimate	4,514	75

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	<u>1,468</u>
	2,874

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 - 2019

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>
1. Middletown Valley Center 821 East Main Street	4	GC	Discussion of retail, office and self-storage development (1/21)
1B. Self-storage Facility 821 East Main Street	3	GC	Discussion of self-storage facility (12/16)

SITE PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Valley School 30 East Green Street	1	R-2	Approval of addition of shed to property (Approved 2/18)
2B. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 3/18)
2C. Miller Property Demolition 203 East Main Street	3	TC	Approval of demolition of three vacant buildings (Approved 4/19)
2D. Asian Café Corner of E. Green & N. Church Streets	1	TC	Approval of revisions to overflow parking lot use (Approved 5/20)
2E. Miller Property 203 East Main Street	1	TC	Approval of revisions to parking spaces (Approved 6/17)
2F. Tabor Barn Demolition 10 Boileau Drive	1	TC	Approval of demolition of barn (Approved 9/16)
2G. Hollow Creek Prof. Center 821 East Main Street	3	GC	Approval of retail and office development (Approved 10/21)

MASTER PLANS

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

PRELIMINARY PLANS

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

MASS GRADING/SWM PLANS

Name Units Zoning Request for:

None

IMPROVEMENT PLANS

Name Units Zoning Request for:

3A. Franklin Commons 18 R-3
 Corner of Franklin & Broad Streets Re-approval of plans for construction of multi-family dwellings (Approved 3/18)

3B. Water Storage Tank 1 OS
 4A Ashky Court Approval of water storage tank to replace reservoir (Approved 7/15)

3C. Miller Property 1 TC
 203 East Main Street Approval of redline revisions to lighting/fencing (Approved 9/16)

FOREST CONSERVATION PLANS

Name Units Zoning Request for:

4A. Water Storage Tank 1 OS
 4A Ashky Court Approval of FCP and PFCP plans for water storage tank (Approved 3/18)

4B. Water Storage Tank 1 OS
 4A Ashky Court Approval of FFCP plan for water storage tank (Approved 6/17)

4C. Hollow Creek Prof. Center 3 GC
 821 East Main Street Approval of PFCP for retail/office development (Approved 11/18)

SUBDIVISION PLATS

Name Units Zoning Request for:

None

ADDITION PLATS

Name Units Zoning Request for:

5. Zion Lutheran Church 2 TC
 West Green Street Addition of partial lot to another church-owned lot (Approved 2/18)

FINAL PLATS

Name Units Zoning Request for:

None

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

Text Amendments recommended to Burgess and Commissioners for adoption. (Municipal Code Number)

Self-storage facility text amendment – Planning Commission reviewed and commented on adoption of revisions to provisions pertaining to self-storage facilities, including definitions relating to such. (Sections 17.04.030, 17.48.340) [PC commented 4/15, 7/15 and 8/19; B&C adopted 8/26/2019]

Accessory structures text amendment – Planning Commission reviewed and commented on adoption of revisions to accessory structures. (Section 17.32.170.D) [PC commented 11/18]

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. Habitat for Humanity	variances of 9.2' for side yard setbacks	211 S. Jefferson	Approved	3/26
B. Ayers	variance to allow RV in front yard setback	331 S. Church St.	Approved	7/18
C. Parra	variance of 8' from 18' setback for a pool	517 Glenbrook Dr.	Approved	10/17

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2019 has been consistent with the Town Comprehensive Plan and best management planning practices.

The Town Comprehensive Plan includes roadway alignments both north and south of town that will be requirements of any future annexation agreements. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70. With the annexation of the Memar Property, a section of northern alignment, west of Coblenz Road, will be built by the developer.

The State Highway Administration has funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, 2016. The limits of the project extend from the western edge of town to the eastern edge of town, and includes the replacement of water mains from Coblenz Road to Eastern Circle. The SHA scope of work includes replacement of storm water lines in the Main Street SHA right-of-ways and relocating some utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks. The project also includes landscaping and planting of new trees. The project is expected to be completed Summer of 2020.

The Town began discussion with Frederick officials for a Rural Transportation Program in conjunction with Frederick County and other interested municipalities. This program would provide transit service within the Town limits on one scheduled day per week.

WATER SUPPLY AND DISTRIBUTION:

The Town depends on 23 wells, 4 major groups of springs, two reservoirs, and a 400,000-gallon elevated water storage tank to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2019 was 310,000 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2019. The Town completed an engineering study of the existing reservoir and is moving forward with construction of a stadium style ground storage tank. This new tank will be built within one of the existing reservoirs. Construction will begin in 2020. In addition, the project will remove the abandoned 6" suction water line from the reservoir to the booster station and replace it with a 16" suction supply line to the Town. This will provide the Town with dual suction lines for water supply to the Town.

WASTE WATER TREATMENT FACILITIES:

The East Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2019 were 302,537 gpd. The discharge permit for the West WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2018 were 373,015 gpd. The 2019 numbers are high and over the permit allotments due to the unusually wet weather.

PARKS AND GREENWAYS:

Walking trails were completed in 2019 that connect to the footbridge over Cone Branch Creek across Franklin Street from the Primary School, and Remsburg Park, for continuation of the walking trail system around the Town. Once the SHA streetscape project is completed, a walking trail sign will be installed on the Cone Branch Trail off East Main Street.

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 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 act 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.

Main Street Middletown, MD, Inc. is a 501c3 organization that supports the economic development of the Town. In February 2019, Main Street Middletown, MD Inc. became the proud owners of 19 and 21 West Main Street. The money was raised through donations and grants from many entities, including

Preservation Maryland, MD Heritage Area Authority, and the Department of Housing and Community Development's Community Legacy Fund. Upon the purchase, Main Street Middletown, MD Inc also worked with the Maryland Historical Trust that placed a perpetual easement on the historic exterior of the property.

Main Street Middletown continued with the Façade Improvement Program with funds being reimbursed to Pyramid Rocks, LLC, owner of the Dr. Lamar House at 200 West Main, and with the Middletown Valley Bank.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2019 aside from the text amendment listed above.

COMPREHENSIVE PLAN REVIEW

Since there have been no policy changes made in recent years to warrant an update to the Town's Comprehensive Plan, the update process will begin in 2020 to be completed in conjunction with the availability of the 2020 Census data. The Maryland Department of Planning now requires a ten-year review.

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 2010 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the Sustainable Communities designation through DHCD.

NEW RECOMMENDATIONS:

1. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.
2. Review policies that would provide guidance for sustainability and climate change resiliency as it effects the town and future annexations.
3. Develop a dark-sky policy for future and replacement lighting in the town.
4. Review and develop policies/regulations that would provide guidance for affordable housing.

Permits Issued

TYPE	1996-2000	2001	2002	2003	2004	2005	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015	5 yr.	2016	2017	2018	2019	5 yr.
Single - Family	168	75	106	92	45	22	340	30	31	12	17	23	113	10	12	5	8	4	39	8	25	28	23	
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	
Duplex	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
Townhouse	0	0	0	42	15	0	57	16	19	23	24	0	82	0	0	0	0	0	0	0	0	0	0	
Apartments	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Interior Improvements	0	9	11	20	19	22	81	18	20	19	12	19	88	15	11	12	15	17	70	16	25	19	17	
Additions	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4	2	4	23	1	4	4	4	
Pools & Hot Tubs	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5	2	1	16	2	6	3	6	
Decks & Porches	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9	15	21	96	14	16	18	23	
Accessory Structure	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7	8	15	41	11	15	10	20	
Fences	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13	15	16	84	23	19	15	27	
Demolitions	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2	1	3	9	5	5	2	3	
Propane Tanks	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4	1	0	13	0	1	2	2	
Trailers	0	3	2	0	0	3	8	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	1	
Pump Station	0	1	0	0	0	0	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	
Signs	16	8	6	4	4	7	29	5	7	2	5	6	25	7	8	6	10	8	39	3	4	7	6	
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	37	20	61	25	7	8	4	
New Commercial	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2	0	2	4	1	0	4	2	
Commercial Conversion	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5	5	8	28	1	4	4	4	
Industrial Conversion	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Office Conversion	0	4	4	0	1	4	13	14	3	0	5	2	24	0	3	0	0	3	6	0	1	3	1	
Other									2	1	2	2	7	5	4	4	6	4	23	1	4	5	4	
Total Permits	468	173	245	293	264	182	1157	182	184	146	142	120	774	111	108	83	125	126	553	113	136	133	147	

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/31/2020

RE: Monthly Planning Update – April

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Active-adult special exception use recommended approval by PC to BOA – January 21, 2020

Board of Appeals hearing date – to be rescheduled

Site Plans, Plats and Minor Subdivisions:

Caroline’s View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)

Revised Improvement Plan mylars signed – July 21, 2017

Next step – submittal of PWAs for approval and apply for building and grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14

Improvement Plan mylars signed – November 6, 2015

FRO plantings completed – December 23, 2019

Next step – submittal of architectural renderings for building #2 for review/approval

Dowd Property (Alternate 40A) – Forest Stand Delineation approved – April 16, 2018

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)

Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019

Board of Appeals approved self-storage use – February 26, 2020 (Expires Feb. 26, 2021)

Revised Building renderings submitted for PC review – February 24, 2020

Next step – PC approval of architectural renderings; submission of FFCP and Improvement plans for PC review;

Franklin Commons (Franklin Street) -

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)

BOA approved height variance request – July 12, 2018 (**BOA approval expired July 12, 2019**)

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

Next step – BOA approval of height variance request, then submittal of letter of credit and signing of PWA’s

Jiffas (Summers Drive) – Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved for commercial use – October 20, 2008

Architectural plans approved by PC for duplex – March 16, 2015

BOA approval for variance requests for duplex – March 29, 2016 (**Expired March 29, 2017**)

Next step – apply for variance requests for siting of duplex building

Memorial Park – Shed relocation plans submitted for review – March 2, 2020

Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020

Middletown Water Storage Tank (Ashky Ct.) –

Site Plan approved by PC – March 18, 2019 (Plans expire March 18, 2022)

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire July 15, 2022)

Miller Property (East Main Street) – Phase III Revised Site plan approved by PC – June 17, 2019

Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019

Next step – submittal of Phase IV site plan for review and approval

Richland Driving Range (Glenbrook Drive)– Concept plan reviewed by PC – January 18, 2016

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Improvement Plans reviewed and tabled by PC – September 17, 2018

Next step – submittal of improvement plans for review and approval

School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed & approved by Town Board – May 8, 2017 (informed June 2017 funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

St. Thomas More Academy Site Plan revision (Prospect St) –

Site plan conditionally approved August 20, 2018 (Expires August 20, 2021)

Revised site plan submitted to PC for review/approval – February 27, 2020

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments: Accessory structures – under review by Town Board

Residential parking requirements for townhouses and apartments – under review by Town Board

Forest Resource Ordinance amendments – under review by Town Board and PC

Reports: Annual Planning Report draft will be reviewed by PC in April and May

Grants: MEA grant application submitted – December 2019

Keep MD Beautiful grant application was not approved

Meetings: Next Middletown Green Team Meeting – April 21, 2020

Next Joint town board/planning commission workshop – May 4, 2020