

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

May 16, 2022

The regular meeting of the Middletown Planning Commission took place on Monday, May 16, 2022 at 7:00 p.m. via in-person and Lifesize. Those present (quorum) were Commission members Sean Mahar, Commissioner Jean LaPadula (Ex-officio), Chris Mills, and Eric Ware (Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Chris Johnson (34 Boileau Ct), Gary Vom Lehn (7 Lamar Lane) and Jason Moser (17 East Main St) residents.

MAY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT - None

II. Minutes of the April 2022 Planning Commission Workshop – Approved as submitted.

Minutes of the April 2022 Planning Commission Meeting – Approved as submitted.

III. PLAN REVIEW –

Memorial Hall Site Plan showing grading/utility locations – The proposal is use for fifteen apartments to be located on the second and third floor of the existing building and on the second, third and fourth floors of an addition to the back of the existing building. Commercial spaces would be located on the first floor of the existing building, and parking is to be located on the garage level of the addition.

1. **Redevelopment plan review -** The Planning Commission reviewed the Redevelopment Plan for the Memorial Hall property in December 2020. The plan was conditionally approved with the conditions of approval as follows: submittal of outdoor lighting plans for the Planning Commission review when they become available (approved January 2022); the addition of the utilities on the site plan for the property (this submittal); and the execution of a development agreement with the Burgess and Commissioners to detail the obligations of both parties with the standards and conditions that will govern development of the property (executed March 4, 2021).
2. **Utilities –** In September 2021, Director of Public Works, Bruce Carbaugh, met with the developer to answer questions regarding water and sewer. The developer was informed that the Town would need a site plan that shows the water meter location and the sanitary sewer connection, along with the materials used in the water and sewer construction. A site plan was sent to the Director of Public Works for his review which was approved on January 10, 2022. It is unclear why the Staff Planner had not received a copy of this plan for the Planning Commission’s review and approval earlier this year.
3. **Grading of parking area behind 10 East Main Street –** This parking area had been a sloped gravel lot which is owned by Christ Reformed Church and used in conjunction with the building at 10 East Main Street. The developer of Memorial Hall has agreed to improve the parking lot with grading, paving, and striping in exchange for the use of the lot during construction at Memorial Hall. Members of the Christ Reformed Church were concerned about the proposed grading on the site plan as well as the parking configuration. Staff members and members of the church met with the developer on site on Wednesday, April 6, 2022, to discuss their concerns and potential ways to alleviate those concerns. It was agreed that the parking would change from the previously proposed angled parking to straight-in parking spaces. There was discussion of whether a segmental wall should be constructed on the east side of the parking

area, as well as whether a rolled curb could be included to help delineate the parking area from the drive aisle. Also discussed was the removal of a couple trees to the east of the parking area to increase the length of the parking spaces.

The revised plan for the Planning Commission's review shows seven straight-in parking spaces with a 20-foot-wide drive aisle, 18-foot deep parking spaces with a width of 9-feet each, and the slope of the parking area has been reduced to 5%. Two of the existing trees are proposed to be removed. The plans previously showed the parking spaces to be nine feet wide and 19-feet long. The Town's regulations call for parking spaces to be not less than nine feet wide and twenty (20) feet long. The gravel lot could easily hold seven cars in the past so there is no change in the area designated for parking use. Since this is an existing parking lot, the town standards for parking spaces do not necessarily need to be adhered to. The plans show a tree near the 10 East Main Street building that no longer exists and should be removed from the plans.

4. **Review by Town Engineer** – The Town Engineer's comments are as follows:
 - a. The current grading plan appears to meet standard grades for parking areas and conveys the runoff from the paving away from the house. My concern is the concentrated flow over the vault hatch. This flow will fill the vault with water and the contents will be under water. The grading in this area needs to be directed away from the vault hatch and toward the memorial hall. An asphalt curb could be constructed along the building to direct water away from the base of the building wall.
 - b. I did make a comment for the scupper or roof drainage on the east side to be conveyed without erosion to a storm drain.
 - c. There have been changes made in the topography adjacent to the parking area. The large old tree that was near the house has been removed. The grading in this area is not uniform and quite rough. There is an opportunity for grading associated with the parking area return slope to be improved but is not a requirement of the site plan. The grading could be extended toward the property line and a shallow swale graded to direct the sheet flow away from the house. There is an existing berm on the east side that leads me to believe that it was constructed to force water away from the house. This opinion is offered only because of the meeting held onsite between to the 2 property Owners.
 - d. Additionally, the vault shown is a precast vault and we have heard that the owner may be interested in casting the vault in place. This will require a new submittal with Engineer Stamped Drawings for the cast in place vault if that option is taken.
5. **Verification from church** – Staff Planner was notified that the church would submit something in writing stating that they are in agreement with the planned parking lay-out, paving and striping, but it has not been received yet by the staff planner.

There was much discussion on the site plan including the adjacent property's parking area that was not included on the original site plan that was approved in December 2020. The parking area is not on Memorial Hall property but there is an agreement between the developer and the church, not the Town, for the developer to improve the parking lot with grading, paving, and striping in exchange for the use of the lot during construction. Commission members suggested that the two parties create a MOU (Memorandum of Understanding) for clarification of the agreement. Staff tried to pull a deed of both properties to see if there was any language referencing the shared alley, but no deeds were found. Frederick County did do a survey of the properties and the property lines split the alley, so the alley is a shared driveway for both properties.

The potential for greater storm water runoff due to proposed paving was also discussed. Commission members stated that changing the grading and material from gravel to asphalt will create storm water runoff onto the sidewalk creating a safety issue. The developer received a grading permit from Frederick County on July 9, 2021 and once work is completed, the site will be inspected. The Town Engineer, Frederick County, and Planning Commission agree that the grading is consistent with parking lot grading requirements. Commission members

asked if it would be possible to have the Engineer of Record look at the storm water runoff to see if it meets safety requirements. A commission member suggested during the workshop that the developer could raise the meter vault up one inch above grade and warp the asphalt up to meet the vault to prevent runoff water from entering it due to a concern about it filling up with water; the Town engineer agreed that could be a good solution.

Eric Dodson (Frederick County Engineering Supervisor) contacted staff before the meeting and stated that the County will not preform a storm water review if the site doesn't have over 5,000 square feet of disturbance, but the developer does have an open grading permit and the property will be inspected once completed.

Chris Johnson (34 Boileau Ct) and Jason Moser (17 East Main St) have concerns about the grading proposed leading into the lower level parking lot for the apartments. They stated that the structure is 2 ft lower than the driveway and don't feel it will work with the level of the entrance to the parking for the apartments. Commission members stated that Frederick County and the Town Engineer agree that the grading meets requirements.

Action: No action was taking due to technical issues and the Planning Commission didn't have quorum to vote.

IV. ZONING –

Sign ordinance revisions – no update at this time.

V. COMPREHENSIVE PLAN UPDATE

Chapter 1 Introduction – no update at this time.

VI. MISCELLANEOUS

Annual Report 2021 and Map – no update at this time.

VII. Additional Public Comment – none

The Town Hall experienced technical difficulties (internet went down) during the Planning Commission meeting. One of the commission members was on Lifesize (virtual) and the board couldn't continue due to not having enough members for quorum to vote, so the meeting had to be adjourned.

Meeting adjourned at 8:30PM.

Respectfully submitted,

Patty Guyton
Recording Secretary