

***BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND***

VIRTUAL TOWN BOARD MEETING MINUTES

TOWN MEETING

May 24, 2021

The virtual meeting of the Burgess and Commissioners of Middletown was called to order on May 24, 2021, by Burgess Miller at 7:00 p.m. Present via Zoom were: Commissioners Christopher Goodman, Jennifer Falcinelli, Jean LaPadula, Kevin Stottlemeyer, and Rick Dietrick.

PUBLIC HEARING

Ordinance 21-04-01 – Amendment to Title 16 of the Town Code to Allow Chickens Within Town Limits with Conditions - The Town Administrator reviewed the proposed changes to the Town Ordinance this includes updated definitions, the number of chickens allowed (up to 8), requirements for keeping chickens, actions prohibited when keeping chickens and enforcement when there are infractions. The City of Frederick and Myersville allow chickens within their limits and historically both address one to two complaints annually. If the Town passed this ordinance update, residents would still have to abide by any covenances and HOA restrictions in their neighborhoods if applicable, until those covenances and restrictions are changed. Commissioner LaPadula suggested modifying section 6.04.040 subsection A so that only chickens are the exception. Those follow-on animals listed as currently stated make it confusing. Burgess Miller opened the meeting up to public comment.

Tara Dewan-Czarnecki, 315 South Church Street, stated they moved into Middletown in October and discovered chickens are not allowed. She thinks chickens should be allowed as they provide an educational opportunity for children. She loves the local farms in the area and would love the experience of raising them.

Mina Czarnecki, 315 South Church Street, stated that she thinks chickens should be allowed in Town because she would like to raise chickens. Chickens lay eggs and eat the bad bugs. She is a 4-H member.

Vincent Bello, 318 Cone Branch Drive, thinks it would be a great opportunity for children. Thinks that the updated ordinance puts forth many controls which would limit issues. He supports this ordinance 100%.

Lonnie Darr, 219 East Main Street, stated he was in support of chickens being allowed within Town.

Scott Farrow, 7 North Pointe Terrace, stated he has been around chickens and does not like the smell or the waste generated. Things many neighbors will not want. He stated he is against this update to the ordinance.

Jane Tamagna, 219 East Main Street, stated she approves of chickens being allowed in Town. It is a well-crafted ordinance that addresses the care of chickens.

Margaret Freeman-Karcewski, 17 Linden Boulevard, stated she moved into town where it is a more urban area. She visits friends with farms and thinks they provide opportunities for children to learn about farm animals, and that there are many farmers willing to help children learn. She does not think it is appropriate to have chickens in Town as it will attract vermin in.

Bob Smart, 7525 Coblenz Road, remembers that last time chickens within town limits were discussed. He thinks this ordinance appears to be better crafted than previous ones. He has a concern about the lot size suggested. He is ambivalent about allowing chickens within town limits.

Craig Robillard, 2 North Pointe Terrace, stated he has concerns about lot size as stated. He is not interested in having chickens in town limits, he would not want his neighbors to have them.

Jon Minchoff, 104 Broad Street, (Petitioner) stated that the fear of foxes coming around is a possibility, but with chickens within coops and runs and being locked up each evening the risk will go away. He also stated that cow manure is a worse smell than chicken waste. Middletown is surrounded by farms and the manure smell will come through the Town periodically.

This ordinance change will come before the Town Board for a vote Monday, June 14, 2021.

The public hearing ended at 7:42PM.

PERSONAL REQUESTS FOR AGENDA: None.

CONSENT AGENDA:

- **Financial Statements**
- **Town Meeting Minutes**
 - *May 6, 2021 – Town Workshop*
 - *May 10, 2021 – Town Meeting*

Motion: Commissioner LaPadula motioned to approve the consent agenda as presented. Seconded by Commissioner Falcinelli. Motion carried (6-0).

UNFINISHED BUSINESS:

Comprehensive Plan – Chapter Review – The draft updated growth boundary map was quickly reviewed. The red area designates town limits. The blue areas designate potential future growth areas. The green areas identify a conservation boundary. Those areas in yellow identify county subdivisions on well and septic that could require an extension of Town water and sewer services during an emergency. There is no intention of annexing these subdivisions. The map will be modified to change the area at the northern end of Coblenz Road from white to yellow. This map shows a decrease in the growth boundary of 116 acres from the 2010 Comp Plan. This will be an agenda item on the upcoming Joint Town Board/ Planning Commission meeting June 7th.

AC Jets Annexation Discussion – The property owners have submitted a request modifying their annexation petition into specific zoning areas within their property to bring it in line with Town zoning and the Comp Plan. The modification breaks down their 144.05-acre property into two zones. 132.05 acres would be zoned R-20 Residential (R-20) and 12 acres located along MD 40A would be zoned General Commercial (GC). The impacts of these changes would be identified in the Annexation Plan. The Town Board compared the relative size of the proposed 12-acre zoned GC to Cross Stone Commons (9 acres) and the Hollow Creek development (7 acres). Water allocation and further testing of the 4 drilled wells on the property was discussed. As a reminder, this does not mean the property will be annexed. State law requires the Town to proceed through this process whenever an annexation petition is filed with a municipality. The Town did not solicit this annexation. The Town does not solicit any annexation.

Hollow Creek Professional Center Update – The developer met with the Town with an updated concept plan for the site. He has redesigned the 2 front pad sites and included a glass atrium connecting the two. The professional building is still 3 stories but has been reduced 9 feet in height. The developer is in discussion with the Town Zoning Administrator regarding a possible Board of Appeals case on building height. This redesign reflects the Town’s character. The revised concept plan is being presented to the Planning Commission. The developer is willing to present his new designs to the Town Board if wanted. It was suggested that the developer present this updated revised concept plan at the June 7th Joint Meeting.

Memorial Hall Update – The developer has filed architectural plans with the County. The School Impact fees are projected to be approximately \$125,000. The developer has asked if there is anything the Town could do to assist in reducing the fees. The County stated that the developer could appeal to the County Executive and request a reduction in those fees. It was proposed that the Town could write a letter of support for the Memorial Hall development to be included. The letter would include information on this historic property and the Town’s efforts in support of this project. It was noted that the developer must preserve all elements of the façade of the building as was agreed upon in the Downtown Revitalization Zone Agreement.

NEW BUSINESS:

Draft Sewer Capacity Plans for 2020 – The draft sewer capacity plans were reviewed. The Middletown sewage system consists of two water treatment plants with a combined total permitted wastewater capacity of 500,000 gallons per day. The combined design wastewater capacity of the two plants is 600,000 gallons per day. Based on the last 3-year flow calculations the plants are operating at 113.5% permitted capacity and at 95% design capacity. Two identified reasons for this permitted capacity overage are 1. The required previous 3-year calculations include 2018 which was an extremely wet year with significantly higher rainfall than normal, and 2. The impact of Inflow and Infiltration (I&I) on the systems. Next year when 2018 numbers will not be included in the calculations there will be a substantial positive change in permitted capacity. The Town has capacity for existing lots of record. The Town has requested an increase in the permit at the East WWTP to full design capacity and is currently conducting an I&I study to make recommendations on repairs and improvements. It is recommended that the Planning Commission limit the number of approved subdivision lots to no more than 110 lots to stay within the Town’s design capacity until the completion of the I&I study and improvements are completed. Any future development above 110 lots would have to include water treatment plant upgrades paid for by the developer. These plans are being forwarded to the Water & Sewer Standing Committee for review and comment.

PUBLIC COMMENTS: None.

ANNOUNCEMENTS:

- *Joint Town Board / Planning Commission Meeting – Monday, June 7, 2021 at 6:30PM*
- *Public Hearing – FY2022 Operating Budgets – Thursday, June 3, 2021 at 7:00PM*

Meeting adjourned at 8:27 PM.

Respectfully submitted,

Annette Alberghini,
Office Manager