MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

Agenda for the July 20, 2020 Meeting
7:00 p.m.

I.	**Public Comment**	
II.	**Minutes of June 2020 Planning Commission workshop**	**Approval**
	Minutes of June 2020 Planning Commission meeting	**Approval**
III.	**Plan Review**	
	MVAA Memorial Park Shed Relocation	**Review/Approval**
IV.	**Zoning**	
	Temporary sign regulations	**Review/Recommendation**
V.	**Miscellaneous**	
	2019 Annual Planning and Zoning Report	**Review/Approval**
VI.	**Comprehensive Plan Update**	
	Chapter 3 Natural Resources and Table of Contents	**Review**
	Comp Plan update timeline	**Review**
	Citizen Survey	**Review**
VII.	**Additional Public Comment**	

Cindy Unangst is inviting you to a scheduled Zoom meeting.

Topic: July Planning Commission Meeting
Time: Jul 20, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/82819299920?pwd=emN1TGVqd1dyWkVxYWswV2tEeTBvZz09

Meeting ID: 828 1929 9920 Password: 134748

One tap mobile
+13017158592,,82819299920#,,,,0#,,134748# US (Germantown)

Dial by your location
+1 301 715 8592 US (Germantown)

Meeting ID: 828 1929 9920
Password: 134748
Find your local number: https://us02web.zoom.us/u/kv0hipTrP

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

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

Virtual Workshop **June 10, 2020**

The virtual workshop of the Middletown Planning Commission took place on Wednesday, June 10, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Vice-Chairman Rich Gallagher, Ex-officio member Jean LaPadula, Commission Members Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Mark Lancaster (Lancaster Builders), Elkana Bar-Eitan and Bill Ellison (121 W Main Street LLC), and Mike Tabor.

JUNE MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Hollow Creek Professional Center Architectural Renderings – Cindy reviewed her staff report in relation to the newest changes to the renderings. Mr. Lancaster was given the opportunity to respond to comments and questions, and there was discussion on the renderings. Commissioner LaPadula asked about the sun symbol above the large front windows and whether it could be removed. Mr. Lancaster noted that the area in question would look too plain with nothing there. Mr. Lancaster was asked to provide a full set of renderings which show all sides of the buildings along with proposed materials ahead of planning commission approval.

121-123 West Main Street Change of Use – Cindy reviewed the proposed change of intensity of the building with the applicant proposing an additional apartment on the third floor. There was discussion about parking on and off the site to accommodate the uses in the building. The applicant was told to submit a sketch showing the number of parking spaces that could be met on site.

Tabor Barn demolition work extension and use of foundation – Cindy reviewed the request for an extension on the post-demolition work on the site, along with the request to use the existing foundation for a new structure in the future. Vice-Chairman Gallagher told Mr. Tabor that the Planning Commission can entertain the extension request, but that the foundation use request would have to wait until a site plan for future development is submitted for review.

ZONING –

Height of buildings code changes – Commission members agreed that the references in the code to number of stories allowed for a building should be deleted and that thirty-five feet should be the maximum height allowed in any district. Cindy will make those modifications using track changes for review at the meeting on Monday.

MISCELLANEOUS –

2019 Annual Planning and Zoning Report – Cindy has received some raw water data from Drew for the report but is still waiting on wastewater data. Commission member Lake asked that the report include information from the Water Resources Element of the Comprehensive Plan that shows how the water and wastewater usage corresponds to availability for future development.

COMPREHENSIVE PLAN UPDATE

Chapter 1 Introduction – With the blessing from the commission members, Cindy is going to accept the track changes in the chapter but keep the comments for discussion purposes. There was discussion about whether additional workshops should be held for the comprehensive plan update discussions.

Workshop adjourned at 8:40pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

DRAFT

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting **June 15, 2020**

The regular meeting of the Middletown Planning Commission took place on Monday, June 15, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, Commissioner Jean LaPadula (Ex-officio), Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Others present: Mark Lancaster (Mark Lancaster Properties LLC), Bill Ellison (Ellison & Benjamin Architecture), Elkana Bar-Eitan (Property Owner 121 West Main Street), Mike Tabor (Property Owner – Tabor barn).

JUNE MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. Minutes of the May 2020 Planning Commission Workshop – Approved as submitted.

Minutes of the May 2020 Planning Commission Meeting – Approved as revised.

III. PLAN REVIEW

Hollow Creek Professional Center Architectural Renderings – Mark Lancaster (Mark Lancaster Properties, LLC) present. This is for the proposed development of 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development; 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.

During the past three months, the commission members reviewed the proposed changes that were made to the 3-story professional services building and retail buildings, as they conducted their architectural review of the buildings.

The latest renderings address most of the comments made by Commissioner LaPadula at the last meeting:

1. Make the triangular peak on the metal roof (of 3-story building) larger and more proportional and integral to the roof and separate from the elements below it.
2. The "top molding" should be similar size/look to that shown in the 2/17/20 architectural plan submittal but should go all the way across the top and not stop at either side of the window.
3. Make the top molding and all the trim and columns white to add definition, interest, and separate from the body color.
4. Make the trim around the large main group of windows, in the center of the 3-story building, continuous and go all the way around and consistent with the top molding.
5. Use siding (i.e., hard plank or similar material) on top 2 levels that is the same color as the proposed stucco/concrete color which ties into Safeway.
6. Use a contrasting window grille color. For the proposed black windows, use white window grilles instead of proposed dark brown throughout the building.
7. Use on color of brick for all brick work.
8. Make the main front door(s) bigger and more proportional to the size of the building.
9. Make the front columns larger so they are more to scale/proportional with building and entrance.
10. Add an awning on the right side that mirrors the one on the left.

11. Use an awning-style covering of appropriate size/scale for the front entrance instead of a second triangular peak.
12. Replace proposed brick planters with white planters that blend with gazebo.
13. Align the walkways (between large and smaller buildings) so that they are perpendicular to buildings.
14. All entrances of the smaller buildings should be identical.
15. Change design elements of the smaller buildings (style of column, color of windows grilles, peals, etc.) to make them consistent with changes to the larger building.
16. Provide revised Architectural Review Plan incorporating these changes to the Planning Commission prior to submission of the improvements Plans.

The entrance portico mimics the flanking awnings while duplicating the pitch of the larger roof gable. The center window wall depicts a logo of a flowing stream in the valley with the surrounding mountains. The large gable overhead contains an Indian sun symbol which aligns directly over the top of the stream and mountain artwork. The applicant feels that these symbols seem to describe the Middletown Valley to all that have lived or visited here. The items that were not changed include:

1.) Staying with EIFS and not lap siding on the building.
2.) Staying with the raised brick planters versus the white wood planters.

There was discussion about the back entrances to the front retail buildings which would most likely be closed to the public for security reasons, as well as discussion about the proposed sun symbol to be sited on the buildings.

Action: Commission member Lake motioned to approve the architectural renderings of the Hollow Creek Professional Center that have been provided; the motion was seconded by Commission member Miller. Motion carried (5-0).

121-123 West Main Street Change of Use - The proposed use is for an additional apartment on the third floor of the building which was previously one apartment. The first and second floors will maintain the prior use of two commercial units on the first floor and two apartments on the second floor. An interesting note about this building is that six electric meter sockets exist at the back of the building, and there are four separate entry doors from the common stairwell for the 2nd and 3rd floors. Mr. Bar-Eitan, the property owner, recently had a conversation with Jim Hoover, Zion Lutheran Church administrator. Mr. Hoover knew the tenant in the third-floor apartment and confirmed that the apartment did not extend all the way to the rear; that the rear area was a separate space having multiple purposes over the years. The rear wing of the third floor is disjointed from the front apartment with a floor level 12-inches lower than the main third floor. It has remnants of plumbing and the applicant assumed it had been a separate dwelling unit at some point.

Prior uses included a heating and cooling company on the first floor as well as the Zion Lutheran Church Clothes Closet. There were two apartments on the second floor and one apartment on the third floor.

The lot was previously owned by Zion Lutheran Church and was subdivided prior to the sale of the lot after approval by the Planning Commission in February 2019. The approval came with the understanding that any future building development or change of use of the parcels on the plat would be submitted in the regular manner for approval in accordance with the provisions of the existing zoning regulations.

Based on the square footage of 835 square feet and 750 square feet for the first floor for commercial uses, 5-10 spaces would be needed depending on whether they will be retail uses or business offices. The second-floor apartments are both one-bedroom apartments. Given the current parking regulations, six spaces would be needed for those apartments. If the third floor were one apartment, it most likely would be three-bedrooms and would require three parking spaces. (Section 17.32.060)

The Town Attorney is working on an ordinance to change the number of parking spaces required for an apartment from the existing three per dwelling unit to two per dwelling unit + 0.5 per bedroom over 2 bedrooms. That change to the Municipal Code was agreed on by the Town Board and the Planning Commission in workshops that

took place in 2019. The Town Board will most likely hold a public hearing on the ordinance on July 2, 2020. The new regulations would require 4 spaces total for the 2nd floor apartments, and 2.5 spaces for the 3rd floor if it were one three-bedroom apartment. If the planning commission approves the extra dwelling unit on the third floor, then 4 spaces would be needed for those two apartments.

Thus, total number of parking spaces needed for **existing** uses, given the proposed parking requirements, varies from 11.5 – 16.5. The total number of spaces needed with approval of the extra dwelling unit, given the proposed parking requirements, varies from 13 – 18. There looks to be space for 11 spaces currently. The applicant envisions that 2 or 3 parking spaces could be added in an end-to-end parking configuration if required. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district.

The applicant submitted a sketch showing the parking area with a proposed 12th space on land owned by Zion Lutheran Church. The church council was meeting at the same time as the Planning Commission and they discussed whether to let the applicant use that space. Commission member Eichelberger relayed to the commission members that the church would work with the applicant for use of that space.

Action: Commissioner LaPadula motioned to approve the change of intensity of the existing building for an additional apartment on the third floor of 121 West Main Street and waive any additional parking spaces needed. Motion was seconded by Commission member Lake. Motion carried (5-0)

Tabor Barn demolition work extension - After approval by the Planning Commission for demolition of the barn at 10 Boileau Drive on September 16, 2019, the barn was demolished. One of the requirements of Section 17.32.160A is that all such demolitions and post demolition restoration shall be completed within ninety days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission. In December 2019, the property owner asked the commission for an extension for the demolition work, which was approved by an additional six months. The deadline to complete the post-demolition work was thus extended until June 16, 2020. The property owners' request is to extend the period for completion of the post-demolition work, for the duration of the existing Frederick County building permit (#200246) which expires on September 18, 2020.

Action: Commission member Lake motioned to approve the Tabor Barn demolition extension request for September 18, 2020. Seconded by Commission member Miller. Motion carried (5-0).

The second item of discussion was the request by the property owner to approve the utilization of the existing foundation for a new structure in the future. Commission Chairman Carney stated that the commission could not approve that request without a concept plan on what might be put on the foundation. Mr. Tabor said that it was to be determined whether the foundation was structurally sound before a site plan was to be submitted. There was discussion by Mr. Tabor on the history of the site, and Chairman Carney stated that historically non-conforming structure foundations were allowed to be re-built if the intensity of use does not change. Ex-officio member LaPadula told Mr. Tabor that the Planning Commission cannot give an answer regarding future use of the foundation until they know that it is structurally sound.

IV. ZONING

Height of buildings code changes – The proposed changes are to modify the language of the Middletown Municipal code by not including "story or whichever is greater" and making 35 feet the standard height of a building or structure.

17.16.050 - Building height regulations and unit limitations for structures in residential districts.

No building will exceed ~~two and one half stories or~~ thirty-five (35) feet in height. No one structure in any residential district may contain or include more than twelve (12) individual and separate dwelling units within the structure.

17.17.150 - Development standards. (Overlay zoning districts)

A. Density. The overall density of the project shall be in conformance with the R-3 zoning district.

B. Lot Area and Yard Requirements. The minimum lot area single-family dwelling shall be six thousand (6,000) square feet. The minimum lot area per duplex (two dwelling units) shall be eight thousand (8,000) square feet. The minimum lot width per structure for a single-family dwelling shall be sixty (60) feet, and the minimum lot width per structure for a duplex shall be forty (40) feet per duplex unit. The minimum yard areas shall be as follows:

1. Front yard: fifteen (15) feet from a public street;
2. Side yard: eight feet for a single-family dwelling; eight feet one side only for a duplex dwelling (one side per dwelling);
3. Rear yard: twenty (20) feet (except that a detached garage accessory structure accessed via a rear alley system shall have a rear yard setback of eighteen (18) feet: or except that a detached garage accessory structure accessed via a front-loaded driveway shall have a rear yard setback of four feet.)

These minimum standards may be modified by the planning commission, in accordance with the master plan design guidelines.

C. Accessory Structures. The minimum side yard setback for an accessory structure shall be three feet.

D. Height Limitation. Building height is limited to a maximum of ~~two and one half stories or~~ thirty-five (35) feet in height~~, whichever is greater~~.

17.20.015 - MB mixed business district.

C. Required Lot Area, Lot Width, and Yards in the MB District. The following requirements apply in the MB district:

1. Minimum area of lot size: one acre;
2. Setback requirements for front, rear, and side yard: thirty (30) feet; provided, however, that for any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet for that portion of the structure which is adjacent to such residential district or state highway;
3. Structure height: ~~fifty (50)~~ thirty-five (35) feet;
4. Lot width: one hundred (100) feet. The planning commission may, however, permit a lot width of not more than fifty (50) feet if the planning commission approves a landscaping plan which, in the commission's opinion, provides an adequate buffer for adjacent property.

17.20.030 - Building regulations in commercial districts.

No building shall exceed ~~three (3) stories or~~ thirty-five (35) feet in height or exceed sixty thousand (60,000) square feet in size.

17.24.020 - Building height regulation in industrial districts.

No building in the SC/LM district shall exceed ~~three stories or forty-five (45)~~ thirty-five (35) feet in height.

DRAFT

Action: Commission member Lake motioned to approve the modifications of the building height code and recommend the changes to the Town Board; motion was seconded by Commission member Miller. Motion carried (4-0-1 abstention).

V. MISCELLANEOUS

2019 Annual Planning and Zoning Report -The Planning Commission has the most current version of the draft 2019 Annual Planning Report for review. The report is missing wastewater average daily flow measurements. The Planning Commission discussed additional new recommendations to add to the report, which Cindy will do.

Action: Tabled – Planning Commission will review at July meeting; needs more information from the Town Administrator.

VI. COMPREHENSIVE PLAN UPDATE

Chapter One review- Introduction – The Planning Commission received the proposed changes to the Comprehensive Plan Chapter 1 review. There was discussion about some of the comments in the draft including moving the information related to sustainability to a new chapter, and how the comp plan has value to the Planning Commission. They would like to move forward with the changes and discuss it with the Town Board at the joint meeting in July.

VII. ADDITIONAL PUBLIC COMMENT - None.

Meeting adjourned at 8:45 PM.

Respectfully submitted,

Patty Guyton
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 6/30/2020
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 12, 2020; revised plan received June 12, 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 which was tabled on April 20, 2020 and again on May 15, 2020:

1. **Minutes from site plan review during meeting on May 15, 2020 –**

   Memorial Park Storage Shed Replacement Site Plan – Tabled. - MVAA still needs to provide updated information for a storage shed less than 150 square feet.

2. **Use** – The proposed use is for a 10-foot by 14'6"-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 proposed storage shed is 10'10".

4. **Water and Sewer requirements** – No water is being proposed for the storage shed.

This review will be included in the Middletown Planning Commission materials for the July 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 July 15, 2020.

RECEIVED

JUN 12 2020

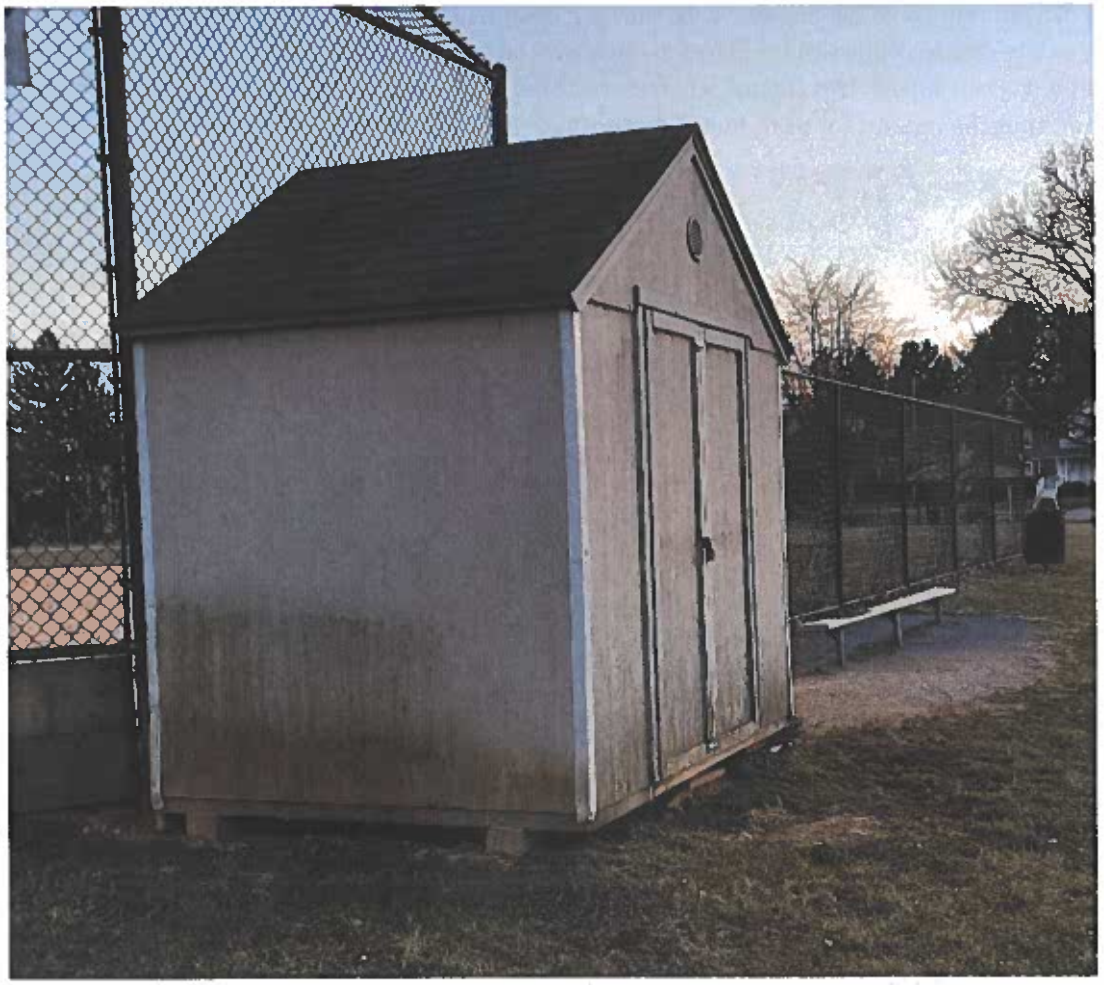
Town of Middletown

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 14'6" 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!



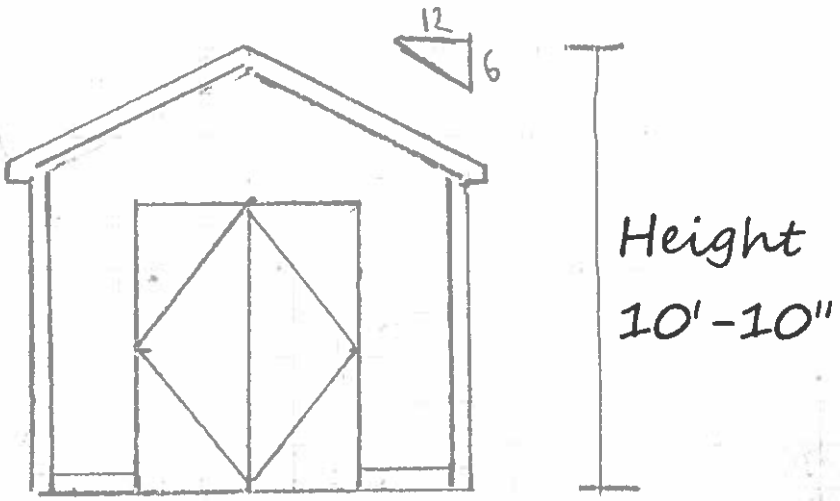
We appreciate the Town's consideration in this small project. The 10' x 17' size meets the Frederick County size requirement for NOT needing a permit. The work will be completed by one of the softball coaches, Rob Melby, who has extensive experience in building construction, and is vastly overqualified 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

R. A. Melby

MVAA SOFTBALL SHED



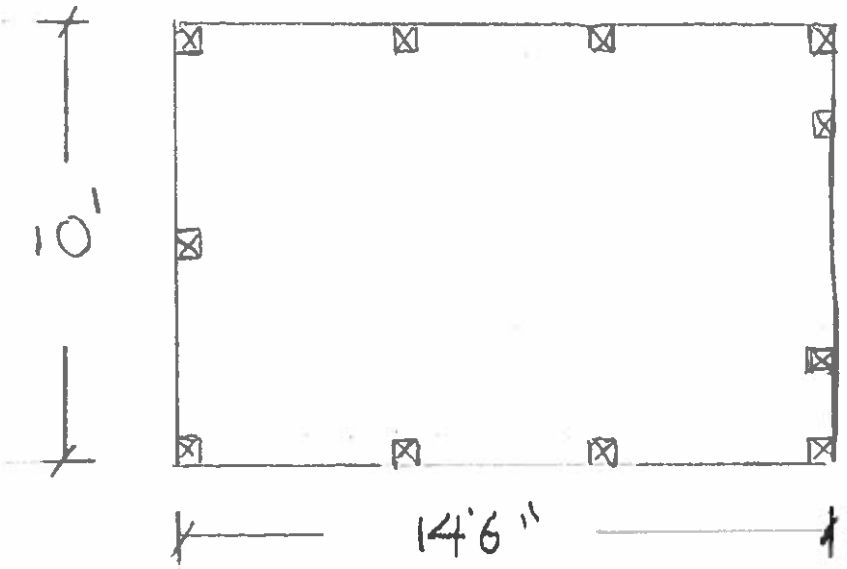
NORTH ELEV.

NOTES

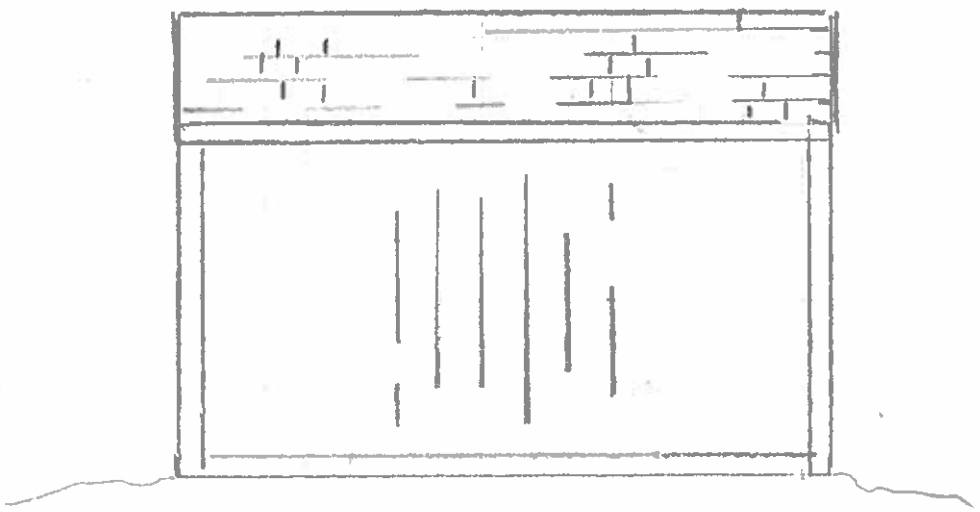
1. Siding will be Metal or Wood Painted "Park Brown"
2. Shed will be built in a pole barn Manor.
3. concrete floor
4. Brown gutters
5. Shingles to match Bathroom in Color and Style
6. Roof Pitch to Match Bathrooms.
7. Doors will be Painted Cedar
8. All materials, fastners and workmanship will be done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

MVAA SOFTBALL SHED

R.A. McBy



FLOOR PLAN

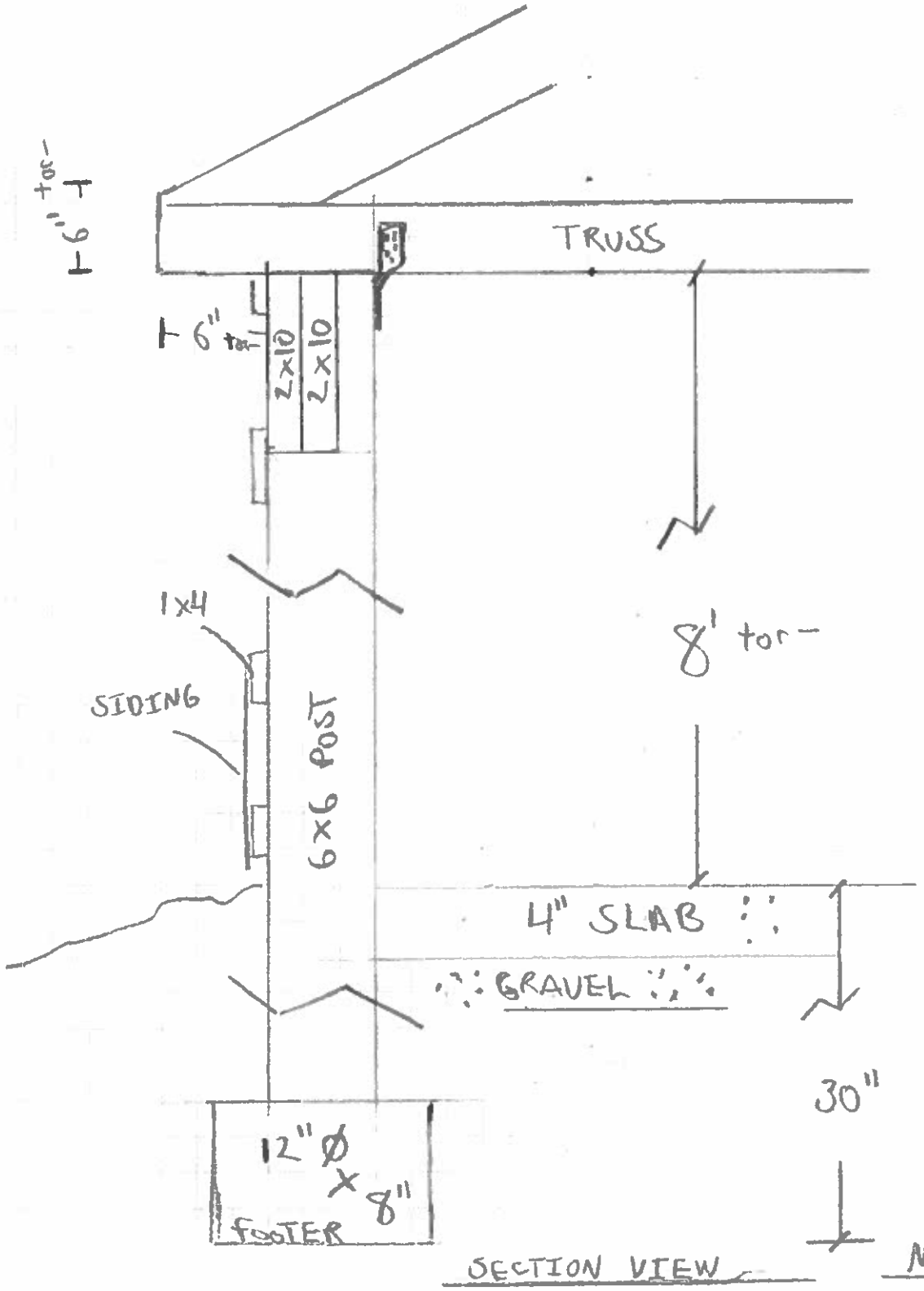


EAST ELEV.

SCALE ☐ = 1'-0"

R.A. MELBY

MVAA SOFTBALL SHED



SECTION VIEW

NTS

211 SOUTH CHURCH STREET
301 SOUTH CHURCH STREET
303 SOUTH CHURCH STREET
305 SOUTH CHURCH STREET
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203 PROSPECT STREET
201 PROSPECT STREET
MAPLE
PROSPECT STREET
213 BROAD STREET
215 BROAD STREET
110 FRANKLIN STREET
112 FRANKLIN STREET
114 FRANKLIN STREET
305 BROAD STREET
309 BROAD STREET
BROAD
UNK

MEMORANDUM

Date: 7/16/2020

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Temporary sign regulations

CURRENT REGULATIONS

"Temporary sign." Any sign or banner which has for its purpose the advertising, announcement or display of information pertaining to an event, condition or situation that is intended to be limited in scope, duration of time not to exceed forty-five (45) days, including, but not limited to, commercial sales events, concerts, plays and other commercial or cultural events.

"A-frame/sandwich board/T-frame sign." A sign that is constructed in the shape of an "A", also referred to as a "sandwich board" sign, or an upside-down "T" and which is composed of two back to back sign faces oriented in opposing directions aligned in the shape of the letter "A" or an upside-down "T" and which is generally used to identify goods and services available at the business establishment or other entity displaying or sponsoring the sign.

17.36.140 - Exempt signs.

A sign permit shall not be required for the following signs; provided, however, that all such signs shall comply with the other applicable requirements of this chapter:

A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
B. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;
C. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
D. Incidental signs as defined herein;
E. Ballfield/sports complex signs and scoreboards.
F. Government sponsored banners affixed to light standards promoting community events.

17.36.150 - Temporary signs.

A. Temporary commercial advertising signs of any size are not permitted in any district unless they comply with the requirements of this chapter, and such signs are deemed to be and shall constitute a public nuisance. The town may immediately remove any such sign(s), without prior notice to the owner or other responsible person(s). The erection or installation of such signs shall be deemed a violation of this chapter and the owner or other person responsible for the sign shall be subject to a fine and enforcement measures as provided for in this chapter.

B. A permit is not required for the following types of temporary signs:

1. A temporary real estate sign advertising the sale or lease of the property on which the sign is displayed. For residential property, the sign shall not exceed six (6) square feet in size. For commercial and industrial property, the sign shall not exceed thirty-two (32) square feet in size.

2. Signs advertising subdivision openings, open houses or other real estate events being held within the town limits. Such signs may not exceed four (4) square feet in size per sign, and such sign(s) may only be displayed between the Friday before the event after 12:00 noon and 8:00 a.m. on the following Monday morning after the event. In the event that the Monday is a legal holiday, the sign must be removed by 8:00 a.m. on the following Tuesday morning. In the event that Friday is a legal holiday, the sign may be placed on the Thursday before the event after 12:00 noon.

3. Temporary and seasonal produce stand signs. Such signs shall not exceed twenty-four (24) square feet in size and no such sign shall exceed six (6) feet in height.

4. Construction signs. Such signs may only be installed after the issuance of a zoning permit, may not exceed one sign per street frontage, may not exceed four~~six~~ (4~~6~~) feet in height and may not exceed sixteen ~~twenty-four~~ (16~~24~~) square feet in size. A construction sign shall be removed prior to the issuance of a certificate of occupancy.

5. Contractor/artisan job site sign. Such signs shall not exceed six (6) square feet in size, shall be installed only on the property at which the work is being performed and shall be removed upon completion of the job or construction.

6. Temporary non-profit signs advertising events, activities~~, recruiting~~ or fundraising efforts by community service groups, religious groups, children's or youth organizations, or student organizations. Such signs shall not exceed sixteen~~twenty-four~~ (16~~24~~) square feet in size and four~~six~~ (4~~6~~) feet in height, and shall be removed after four (4) weeks from installation ~~upon completion of the effort being advertised~~.

7. Political signs shall not exceed six (6) square feet in size.

8. Garage/yard sale signs shall not exceed six (6) square feet in size. Such signs may be displayed only one day prior to the sale and must be removed within one day after the sale;

9. Signs advertising new businesses shall be allowed to advertise the opening of the establishment for the first three months from certificate of occupancy. Such signs shall not exceed six (6) square feet in size and the business shall be limited to three (3) in number.

10~~9~~. A-frame/sandwich board/T-frame signs which are placed in front of or adjacent to a business establishment for the announcement of daily specials or featured promotions provided that the following conditions are met:

   a. The sign is situated on the same property as the business which it is advertising;

   b. The sign is only displayed during the business hours of the establishment and is removed and stored within the principal or covered accessory building of the establishment during non-business hours;

   c. The sign is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines of either;

   d. The sign is not fastened to or erected on a sign pole;

   e. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;

   f. The placement of the sign complies with the setback requirements of its respective zoning district;

   g. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.

C. A permit is required for the following types of temporary signs:

1. Temporary Residential Subdivision Signs. A temporary real estate sign advertising a subdivision within which the sign is located not exceeding seventy (70) square feet in size and located no closer than twenty-five (25) feet to the property line. Temporary shall be until construction is complete.

2. Special Event Sign. A temporary sign noting an event of general interest, such as a locally sponsored carnival or grand openings. Such signs shall be removed within five days after the conclusion of the event. A permit shall be valid for a period of no longer than ninety (90) days from the date of issuance. Such signs shall not exceed thirty-two (32) square feet in size.

3. Temporary Business Identification. A temporary sign which identifies the opening or existence of a new business. Such signs shall not exceed sixteen~~twenty-four~~ (16~~24~~) square feet in size, four (4) feet in height, and shall be valid for a period of no longer than six~~two~~ months from the date of issuance.

4. [A-Frame/Sandwich Board/T-Frame Signs.] A-frame/sandwich board/T-frame signs which are placed at a location other than the property location of the business sponsoring the sign and which announces daily specials, featured promotions, or the location of the business. the issuance and holding of a permit for such signs is subject to the following conditions being met:

   a. The sign is situated in a TC town commercial district or a GC general commercial district and is situated within a one thousand five hundred (1,500) feet radius of the business which it is advertising;

   b. Only one sign is permitted for any one street;

   c. Only two off-site signs are permitted for any one business establishment;

   d. The individual, owner, or other person or entity sponsoring the sign must provide to the town written authorization from the property owner permitting the placement of the sign on the owner's property;

   e. The sign is only displayed during the business hours of the establishment sponsoring the sign, after which hours the sign must be removed;

   f. The sign is not placed within any public right-of-way and is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines of either;

   g. The sign is not fastened to or erected on a sign pole;

   h. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;

   i. The placement of the sign complies with the setback requirements of its respective zoning district;

   j. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.

D. Signs shall not be mounted on any type of utility pole or pole used to display or support traffic control signs or devices.

E. A sign shall be removed when the circumstances leading to its erection no longer apply.

Middletown

Banner Display Policy

Approved by Burgess and Commissioners
April 8, 2019
Revised June 10, 2019
Revised July 22, 2019

Only the Town of Middletown has the authority to hang and remove banners at the banner pole site. No person or organization may hang a banner on the banner poles. The Banner Display Policy must be followed in order to have a banner hung at the Town of Middletown's banner pole site. Applications for Banner Display can be found at www.middletown.md.us and attached to this policy.

Banners are limited to advertising or commemorating events sponsored by the Town of Middletown or non-profit groups within the 21769 zip code. Organizations are limited to hang 1 banner for their event, unless there isn't another organization banner scheduled, then an organization can display in both banner locations. All Town of Middletown and its committee's banners and town sponsored events will take priority and will be hung on the top.

To display your organization's banner, an application must be submitted 60 working days prior to the day the banner is to be displayed.

Applications must be accompanied with a sample sketch of the proposed banner.

Banners must be delivered to the Middletown Municipal Building, 31 W. Main Street 7 business days prior to approved hang date. Banners must be picked up within 7 working days after they are taken down; banners that are not picked up within the specified time period will be discarded.

Banners should meet the following criteria to withstand the elements of the weather:

- Double sided
- Size - Banner size must be 36 inches high by a maximum width of 360 inches wide
- Material – 18 oz vinyl recommended with 1-inch wide webbing sewn all around with reinforced corners
- Grommets – ½ inch grommets every 2 feet on top and bottom
- Wind Slits required on all banner sizes

Banner Prohibitions:

- No commercial advertisements, religious, political or ideological banners. Sponsors of events logos are allowed.
- No inappropriate material including but not limited to: offensive language, hate speech, and/or content considered derisive.

Decisions on appropriateness of banners will be solely decided by the Town of Middletown. Any banner that does not comply with the above criteria shall not be displayed.

Middletown

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 Kundrick, 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

YEAR	POPULATION	INCREASE OR DECREASE
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	1,468
Total	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

Name	Units	Zoning	Request for:
1. Hollow Creek Prof. Center 821 East Main Street	4	GC	Discussion of retail, office and self-storage development (1/21)
2. Hollow Creek Prof. Center 821 East Main Street	3	GC	Discussion of self-storage facility (12/16)

SITE PLANS

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

MASTER PLANS

Name	Units	Zoning	Request for:
None			

PRELIMINARY PLANS

Name	Units	Zoning	Request for:
None			

MASS GRADING/SWM PLANS

Name	Units	Zoning	Request for:
None			

IMPROVEMENT PLANS

Name	Units	Zoning	Request for:
10. Franklin Commons Corner of Franklin & Broad Streets	18	R-3	Re-approval of plans for construction of multi-family dwellings (Approved 3/18)
11. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 7/15)
12. Miller Property 203 East Main Street	1	TC	Approval of redline revisions to lighting/fencing (Approved 9/16)

FOREST CONSERVATION PLANS

Name	Units	Zoning	Request for:
13. Water Storage Tank 4A Ashky Court	1	OS	Approval of Forest Stand Delineation and Preliminary Forest Conservation Plan (PFCP) for water storage tank (Approved 3/18)
14. Water Storage Tank 4A Ashky Court	1	OS	Approval of Final Forest Conservation Plan for water storage tank (Approved 6/17)
15. Hollow Creek Prof. Center 821 East Main Street	3	GC	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:
16. Zion Lutheran Church West Green Street	2	TC	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)

Applicant	Request	Location	Motion	Date
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 Coblentz 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 Coblentz 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 310,833 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 the approval process for construction of a stadium style ground storage tank to replace an existing reservoir. 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. As can be seen in the chart below, the Town's water supply system has adequate reserve with a 10% margin to meet all currently approved development.

Water Capacity Calculations				
			Annual Average	
Annual Appropriation Permit				387,000
10% Reserve Capacity				38,700
10 Existing Lots of Record		250		2,500
Existing Demand - 3 Year Average				308,583
Available Capacity				37,217
Franklin Commons	12	250		3,000
10% Reserve Capacity				300
Cross Stone Commons	4.95	250		1,238
10% Reserve Capacity				124
Future Demand				4,661
System Capacity				32,555
EDU's Available		250		**130**

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 _____ gpd. The discharge permit for the West WWTP at

Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2019 were _____ gpd.

PARKS AND GREENWAYS:
A second baseball field was created at Remsberg Park in 2019, and gravel was added to the walking trail that connects the footbridge over Cone Branch Creek across Franklin Street from the Primary School, and Remsberg Park. Frederick County added walking trails to the Middletown County Park off Coblentz Road. A walking trail sign was installed on the Cone Branch Trail off East Main Street once that section of the SHA streetscape project had been completed.

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.

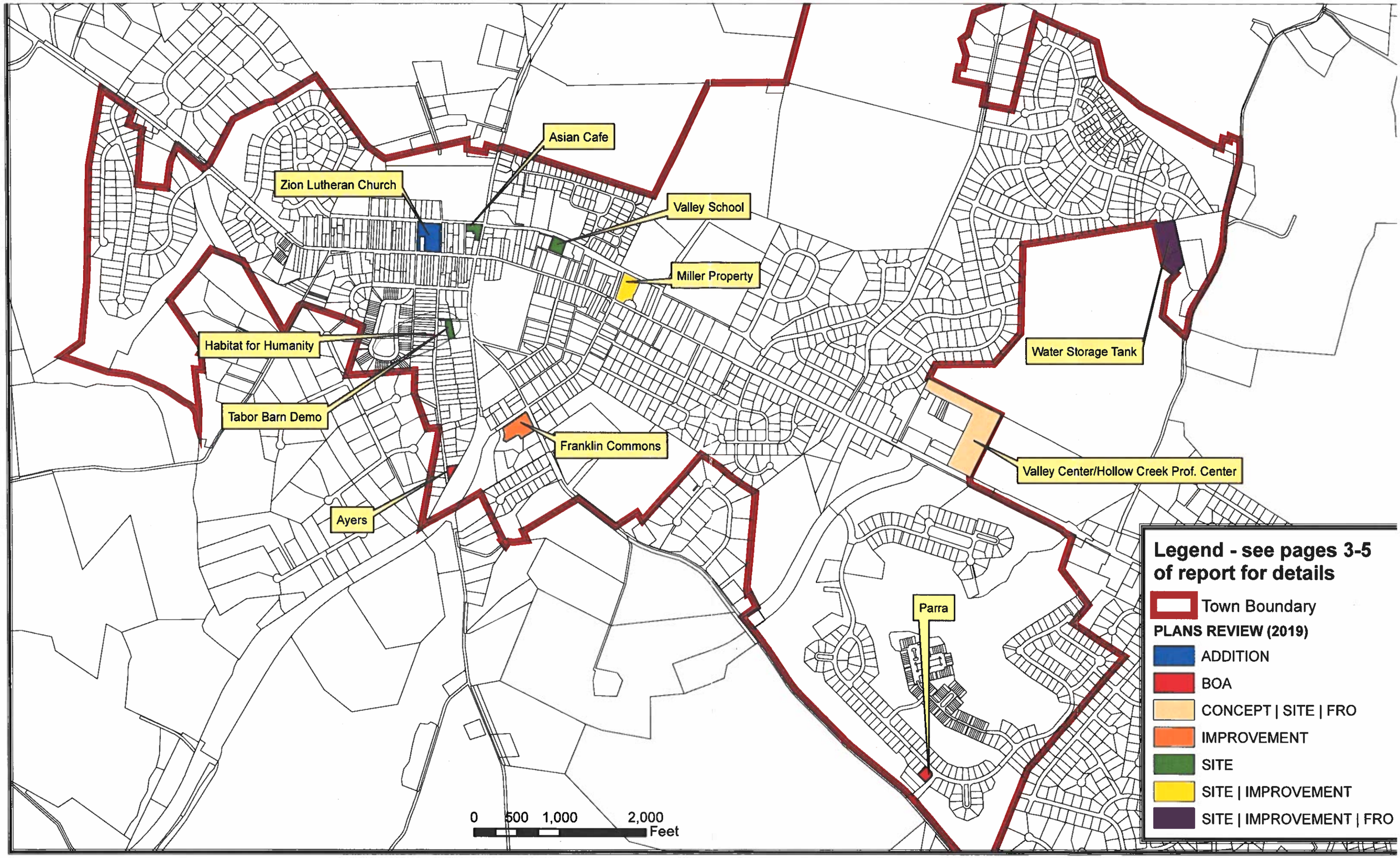
3. Develop a dark-sky policy for future and replacement lighting in the town.

4. Review and develop policies/regulations that would provide guidance for affordable housing and senior care centers.

5. Develop policies and design guidelines for review of architectural plans and for site plan reviews.

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	



Middletown 2019 Annual Report Map

Chapter 3

NATURAL FEATURES/SENSITIVE ENVIRONMENTAL AREAS

~~The purpose of the Natural Features/Sensitive Environmental Areas~~ This chapter ~~is to~~ identifies~~y~~ those physical characteristics, natural resources and sensitive areas existing within the Middletown area and ~~to~~ formulates policies and proposals to protect them. ~~The Economic Growth, Resource Protection and Planning Act of 1992, amended Article 66B of the Code of Maryland to require local jurisdictions to incorporate a sensitive areas element into their plans and to adopt corresponding implementing regulations.~~

Background Information

The use and intensity of development on land is often a function of the land itself. Physical characteristics of land such as steep slopes, floodplains and wetlands help determine the pattern of development. Middletown ~~is fortunate to~~ has~~ve~~ physical characteristics that have minimal constraints on development. However, the variation of relief and physical features require careful development design in order to protect and enhance the property. Some physical features such as wetlands and woodlands serve an important ecological function and, therefore, should be protected from development. Other features such as floodplains should be protected from development due to the potential hazards from natural disasters. Some physical features can influence what land use types are appropriate for an area of Town. ~~The purposes of t~~This chapter ~~will be to~~ provides basic background information; identifies~~y~~ constraints to development; identifies~~y~~ issues and makes proposals.

Topography/Steep Slopes: The Town of Middletown is centrally located in the Middletown Valley which is best described as an inter-mountain area of steeply, rolling land, narrow streams and rapid fall from north to south. The fall is about 14 ft. per mile (Catoctin Creek) or about five times that for the Frederick Valley. Surrounding the Middletown Valley on three sides are the Catoctin and South Mountains with elevations over 1,700 ft. above sea level.

Commented [CU1]: If anyone has some suggestions on potential photos that can be included here, please let me know.

The land within the corporate limits is rolling with elevations from 430 ft. along Catoctin Creek in the south west part of Town to 810~~660~~ ft. above sea level at the northeast corner of the recent Memar annexation north of the Middletown County Park, ~~near Middletown High School~~ in the northeast part of Town. There are several large areas on the east side of Town both north and south of Main Street which are relatively level.

The steepest slopes in Middletown occur in the stream valley areas. Because of the proximity to streams, protection of steep slopes as a sensitive area is extremely important. Slopes provide the environment for soil and pollutants to move into the stream system very quickly and at great speeds which can increase erosion and increase the dangers of flooding to human life and property ~~values~~. Protection of steep slopes along the stream valley is the first step in protecting

water quality. Steep slopes with undisturbed vegetative cover slows runoff, filters sediment and can provide cooler streams by the presence of shade. In addition, the steep slopes along the floodplains provide a natural area for the Town to obtain the benefits of re-forestation. Reforestation along steep slopes also provides aesthetically pleasing areas and habitats for the local plant and animal populations.

The general slopes in Middletown are in the direction of two areas, Catoctin Creek on the west and Cone Branch which flows through the eastern-central portion of Town. The easternmost area of Town slopes to Hollow Creek which is a tributary of Cone Branch. There are two tributaries to Catoctin Creek - Wiles Branch and Tanners Branch, which parallels Main Street and Washington Street and runs from Main Alley to Walnut Street. Most of the undeveloped land in and around Middletown is open with very little tree cover due to the existing farming in the area. Most of the tree cover is found along the stream valleys.

Floodplains & Wetlands

Commented [CU2]: Potential photo locations again appreciated!

Identification of floodplain/wetlands is important since these are areas that perform important functions such as water recharge, diversified habitat for plants and wildlife, and storage and channeling of water during high stream flow. Floodplains are defined in several ways and two types of floodplains are found~~used~~ in the Middletown area; the ~~one hundred year~~one-hundred-year floodplain and the annual floodplains. One-hundred-year floodplains are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. ~~those floods that could occur once in 100 years on average~~. One hundred year floodplains are delineated by the Federal Emergency Management Agency (FEMA) for inclusion in their flood insurance program. Middletown adopted the State Model Floodplain Ordinance on April 13, 1992. The annual floodplain is the area which includes soils identified in the Soil Conservation Survey as soils of generally wet land which provides natural water retention.

The four major streams through Middletown all have floodplains. Catoctin Creek and Hollow Creek have been categorized as having a ~~100 year~~100-year floodplain. ~~One hundred year~~One-hundred-year floodplain information also exists for Cone Branch and Wiles Branch up to the southern limits of Middletown. All four~~three~~ streams also have associated floodplain soils.

Wetlands are those areas which are inundated with water for a significant part of the year and/or have the plant species and soils ~~are~~ typical of those found in wet areas. Frederick County's wetlands are non-tidal wetlands. Non-tidal wetlands perform an important function in controlling floods, supporting wildlife and filtering runoff before it enters the groundwater system. Non-tidal wetlands can also retain water like sponges through the dry times of year.

There are six major areas in Middletown which have been identified as wetlands. These include: two areas along Wiles Branch ~~Creek~~ both north and south of West Main Street; an area along Cone Branch on the north side of Town, west of Coblentz Road; an area south of East Main Street, along Hollow Creek, areas throughout the Glenbrook Subdivision and Foxfield at Hollow Road and Layla Drive. See Figure 3-1 for wetland and floodplain locations.

It is important to note that additional wetlands may be identified through the development review process as specific properties develop and engineering is undertaken.

Soils: The soils in and around Middletown are classified as prime soils. These are the lands best suited to producing food, feed forage, and fiber. The predominate soil types in Middletown are from the Myersville and Fauquier soil series which makes up over 90% of the soil in Middletown. Both the Fauquier and the Myersville~~ Fauquier~~ soils are described as deep, well-drained and highly productive. These soils are commonly associated with the Catoctin soils. There are four areas in Middletown with soils which are classified as floodplain soils and these naturally are along the five streams running through Town: Catoctin Creek; Cone Branch; Wiles Branch; Hollow Creek; and Tanner's Branch. Soils in the Middletown area have been mapped and categorized in the Frederick County Soil Survey according to productivity, resistance to erosion and other factors. A breakdown of these soils indicates that nearly 70% of the land in Middletown is in Class I and II soils which are the two best agricultural soil types.

Catoctin Creek

Streams & Buffers: Streams and buffers are valuable to people and vital to our natural resources. They provide drinking water, recreational fishing, water for irrigation, and habitat for local plant and animal species. The streams which flow through Middletown are part of the larger network of streams which flow to the Potomac River and to the Chesapeake Bay. Protection of stream quality on the local level is important in preserving not only the local resource but the regional resources such as crabs, clams and rockfish. Stream buffers are essential to preserving stream quality. ~~As stated earlier, v~~Vegetative buffers provide soil stabilization, filtration of sediment and shading of the stream which maintains stream quality.

Commented [CU3]: I have some photos of streams in Middletown to include in this chapter, but if anyone has a particula wonderful one, please send it to me.

The primary waterbody in the Middletown Region is Catoctin Creek which is a winding stream with a ~~30 year~~30-year average flow of 72.3 cubic feet per second. In comparison, the Monocacy River in the Frederick Region has a ~~50 year~~50-year average flow of 931 cubic feet per second. Although Catoctin Creek is a significant perennial stream, historical records show a low flow of zero during the drought of 1966.

Commented [CU4]: This paragraph has been sent to the Coun to be checked and/or updated.

The Catoctin Creek watershed contains 121 square miles and drains 78% of the Middletown Valley. All of those areas around Middletown are within the Catoctin Creek watershed with only those areas in the very southern portion of the Middletown Valley not in this watershed. Catoctin Creek and Hollow Creek serve as the Town discharge for sewage effluent. Catoctin Creek also serves as a recreational resource. Tributaries of Catoctin Creek include Middle Creek, Bolivar Branch, Frostown Branch, Little Catoctin Creek, Hawbottom Branch, Wiles Branch, Tanner's Branch, Cone Branch, and Hollow Creek.

~~Little Catoctin Creek meets Catoctin Creek just west of Middletown. This area has been proposed in the past for a possible dam site. However, no further studies have been done on this proposal since 1981. The 1969 Frederick County Water & Sewerage Plan included a recommendation for a reservoir on Little Catoctin Creek. However, the 2008 Frederick County Water and Sewerage Plan does not contain a recommendation for a reservoir on Little Catoctin Creek.~~

Groundwater: The other important water source in the Middletown Valley is groundwater. The Middletown water supply comes from a series of 4 springs ~~and 20 wells~~ located on the western ridge of Catoctin Mountain near Coxey Brown Road and 20 wells. These springs and wells are carried by a pipe to the Town's water tank~~reservoir~~ off Hollow Road. It should be noted that soils of the valley are generally of low porosity and, therefore, unable to store quantities of water large enough to adequately feed the streams during long extended periods of drought. Well yields in the entire Region range from 1 to 225 gallons per minute. The two rock formations, the Catoctin Metabasalt and Mica Schist, have average well yields of 14 and 7 gallons per minute respectively. The Catoctin Metabasalt rock formation is in Hydrologic Unit II which is an average water bearing rock formation. The Mica Schist is in Hydrologic Unit III which is a poor water bearing rock formation.

Commented [CU5]: The sentences at the end of this paragraph have been sent to the County to verify numbers in this paragraph as well.

Habitats of Threatened & Endangered Species: The Maryland Natural Heritage Program has identified a number of rare plant and animal species in Frederick County. Rare species which occur in Frederick County are often found in wetlands and rich forest lands. Some of the rare species are on the State's official threatened and endangered species list, and others are proposed to be added to it. According to the Maryland Department of Natural Resources, there are no known threatened or endangered plant or wildlife species in the Middletown area.

Geology & Mineral Resources: Geologic information is important in several ways. First, rock structure influences land form and drainage pattern. Secondly, rock structure also determines groundwater availability. Geology also determines the available resources for mining purposes.

The Middletown Valley is part of the Blue Ridge Province which is one of two major physiographic regions in Frederick County. There are two predominate geologic strata in and around the Town of Middletown. The Catoctin Metabasalt formation (MB) comprises 80% of the sub-strata north of Middletown and the Mica Schist comprises 80% of the sub-strata south of Middletown. In addition, there is a narrow band of Rhyolite tuff which cuts through the center of Middletown.

Many geologic resources in Frederick County are currently mined, although none are located in the Middletown Region. Limestone, shale, and stone aggregate are mined in the Frederick Valley, east of Catoctin Mountain. No mineral resources in the Middletown Region have been identified as having commercial value in the Frederick County Comprehensive Plan.

Commented [CU6]: County staff have been asked whether this is still true.

Natural Features Issues

As development interest increases in Middletown and the value of natural resources becomes more widely known, the potential for conflict will arise. One~~ of the~~ purposes of this plan is to identify issues which may need to be addressed. Some of the natural resource issues in Middletown are as follows:

1. The primary tools for protecting natural resources are the Open Space Zoning District and specific restrictions applied during the subdivision review process. ~~One of the p~~Purposes of the Open Space District~~ is~~are to preserve natural resources, and prevent erosion, and limit development on excessive slopes and floodplains. The Open Space District up to this point has been used primarily for large institutional and park properties. The Open Space District could also be applied more to areas which meet specific criteria for floodplain and steep slopes.

2. The Town of Middletown relies on ground water resources in the Catoctin Mountains east of Middletown. As additional areas are considered for development, large areas should be reserved for future water needs. Identification of these areas would occur through the planning process and review of the water and sewer plan.

3. The Town~~ has~~ adopted a wellhead protection policy in 1996 to protect our water resources. This policy needs to be further supported by the County strengthening its wellhead protection program, adopted in 2007, as most of our resources exist outside of the municipal boundaries, in the County. The Town has acquired land around its wells and springs outside of the town limits to protect its groundwater resources, however this is a costly endeavor and a stronger county wellhead protection ordinance is needed.

4 ~~New f~~Forest conservation laws~~ have been~~ enacted by the State~~ which~~ require implementation by the Town when applicable.

5. The Town enacted the State required floodplain regulations which cover FEMA ~~100 year~~100-year floodplains. There are additional areas in Town which are floodplain soils such as along Cone Branch. Additional regulations~~ should be~~ were enacted in 2015 to protect these~~is~~ areas.

6. To the extent possible, the natural resource areas such as stream valleys should be incorporated into recreational uses and as areas for reforestation to meet forestry regulations.

7. ~~The water quality standards for sewage discharge to Catoctin Creek and Hollow Creek need to be identified to determine the constraints to development potential.~~

8. The Environmental Protection Agency approved on July 31, 2009, a Total Maximum Daily Load (TMDL) for sediment in the Catoctin Creek Watershed to reduce sediment runoff and discharges into Catoctin Creek and its tributaries. This TMDL could have

future quantitative sediment loading limits or caps for all land uses in the Catoctin watershed.

Commented [CU7]: Look into whether this has been determined.

Natural Features, Objectives & Policies

Two of the goals of the Middletown Comprehensive Plan are to: Provide for a Quality Living Environment, and Protection of Important Natural Resources and Landmarks. Certainly, both ~~of these~~ goals are related to any policies regarding the natural environment. More specific objectives for these goals are as follows:

A. Protect and Conserve Water Resources
   1. The Town shall review development plans outside municipal limits which may impact Town water sources. The Town will keep the County informed of Town's interest in the Middletown Watershed and Catoctin Creek Watershed as an area of critical concern to the Town to protect water resources.

   2. The Town shall require environmental waterway easements or designation of open space setbacks along all perennial streams for the purpose of natural resource protection and potential recreational use during the development review process.

   3. The Town shall continue to encourage use of water conservation practices through various techniques and devices to promote on-site groundwater recharge to lessen the overall demand on the aquifer.

   4. The Town shall regulate development in the floodplain according to the adopted Town floodplain regulations.

B. Encourage Compatibility with Man-Made Development & Natural Environment
   1. New development shall minimize the extent of grading and tree cutting ~~as much as possible~~.

   2. ~~Development plans for new development shall indicate t~~The extent of all natural features shall be considered in new development plans in order for the Planning Commission to consider the impact.

   3. Annexation policies should encourage continued agricultural uses until development occurs.

   4. Town shall encourage an agricultural or environmental buffer around the corporate limits.

Natural Features/Sensitive Areas Implementation Recommendations

In order to carry out the goals and objectives~~policies~~ of the Natural Features/ Sensitive Areas element, the following actions have been approved ~~are proposed~~:

1. Town shall restrict development along all creeks and streams and require a minimum 100 ft. buffer from each bank. This shall be carried out through site plan review by the Planning Commission in accordance with the ~~and adoption of an amendment to the~~ Town Zoning and Subdivision Regulations. The buffer shall include the 100-year floodplain, adjacent non-tidal wetlands, annual floodplain soils, adjacent steep slopes, and in the absence of any of those sensitive areas, a setback measured from the centerline of the stream channel.

2. No development shall be allowed on floodplain soils, or on non-tidal wetlands.

3. Steep slopes along streams shall be priority areas for reforestation under the Middletown Forest Resource Ordinance. This shall be implemented by identification of reforestation areas.

4. The zoning ordinance and subdivision regulations ~~shall~~ have been examined for ~~other~~ possible protections for steeply sloped areas and amendments have been enacted.

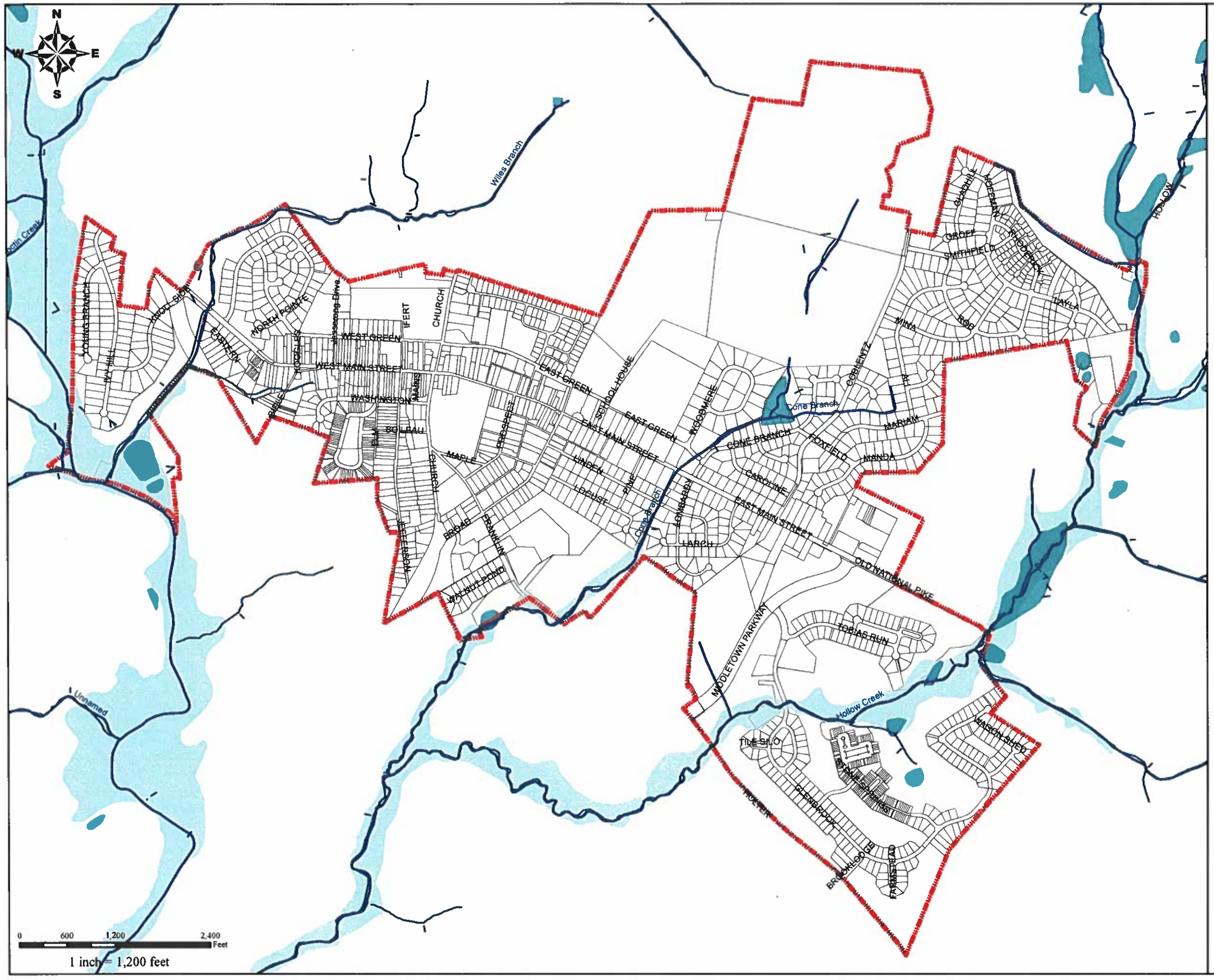
DRAFT

Figure 3-1
3/6/2020

Floodplain and Wetlands Map

Middletown, Maryland

Middletown



Legend

- Stream
- Parcel
- Town Boundary
- Wetland
- Floodplain

Source: Floodplain from Maryland iMap created by FEMA and a given local community for the National Flood Insurance Program (NFIP) updated 2/25/2020. Wetland provided by Maryland iMap created by U.S. Fish and Wildlife Service, National Wetland Inventory modified 8/2/2019.

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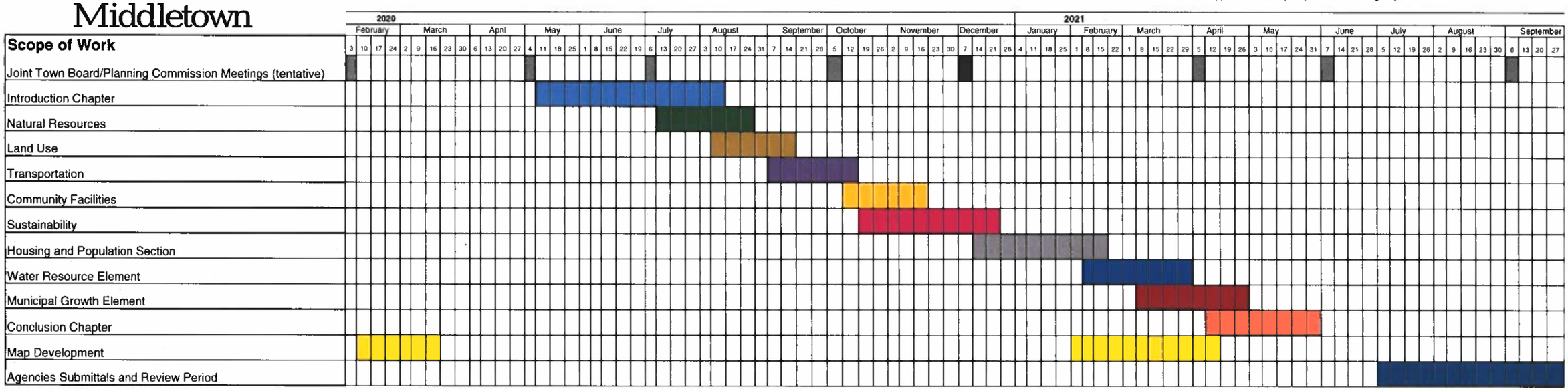
Middletown

*Approval of Plan by July 2021 ahead of agency review



* Agency review extends for 60 days with public hearings to be scheduled in September.

Middletown 2020 Master Plan Update Survey

* 1. Economic changes that have occurred over many decades, such as online shopping, have made it more difficult to successfully operate small businesses in historic downtowns like Middletown. The town is considering ways of improving these types of issues. The current zoning code allows residencestial apartments in downtown commercial buildings., but only on the upper floors above street level. The purpose of this was to help maintain the commercial feel of downtown, where storefronts characterize the streetscape. However, over time a number of commercial vacancies have lingered where the vacancies may have been able to be filled by a residential use. *Do you think it's prudent now to change zoning rules in the downtown business area to allow apartments on the street level? Need a relevant question here.

Yes

No

* 2. As a resident of Middletown, thinking about all of the things that make for a good hometown, how would you rate your quality of life in Middletown?

Excellent
Good
Fair
Poor
I am not a town resident

* 3. During a recent public meeting on updating the Middletown Master Plan, the preservation of green spaces and trees was identified as very important. To what extent do you agree with the following statement: "If wooded portions of property are removed to accommodate new housing or commercial development, the same amount of wooded area should be planted elsewhere within the town."

Strongly agree
Agree
Disagree
Strongly disagree

* 4. As a follow up to question 3, to what extent do you agree with the following: The town should try to increase its total amount of wooded areas and tree cover so that by the year 2040 there will be more forests and trees in Middletown than today.

Strongly agree
Agree
Disagree
Strongly disagree

* 5. A current ordinance in Middletown requires properties to be mowed and kept at certain maximums which has prevented some ~~large~~ properties from becoming more naturalized. *What is the level of your support for allowing the return of some mowed areas to wildland and naturalized areas?*

Strongly support
Support
Only somewhat support

No support

* 6. Over many decades the town has created parks to meet the recreational needs of the community. Today there are about ~~1,~~52,000 square feet of parkland for every resident in town, which exceeds the amount typically found in towns and cities throughout America. Under the town's current development rules, new parkland will be added when future neighborhoods are built. How important is it that the town now work to connect its parks with new open spaces and trails in order to create an expanded and interconnected network of parks and open spaces throughout Middletown?

Extremely important

Very important

Somewhat important

Not at all important

* 7. During the community conversation held in March ~~public workshop~~, people said they want to see the town become more economically vibrant and they especially said they want to see a vibrant downtown with shops ~~and pubs~~. ~~Attendees also mentioned the need for 5G service, broadband, high speed internet, and both clean industry and small businesses.~~ *To what extent do you agree with the statement: The town should plan to become more economically vibrant with a strong downtown district and more good paying jobs.

Strongly agree

Agree

Disagree

Strongly disagree

* 8. What things listed below would most improve the quality of your life as a resident of Middletown? You may select up to five.

More local opportunities for shopping and commercial services

Improved recreation, parks, playgrounds, trails, and programming

More connectivity to the natural environment
An active and thriving downtown district
More responsive town government
Stricter enforcement of property maintenance codes
Higher paying jobs in or nearer to Middletown
More opportunities for social interaction
Enhancing the beauty of the town
Better access to emergency medical facilities
Eliminating vacant storefronts in the downtown district
Planned residential and commercial growth
More opportunities for senior living and related services

* 9. At a recent public meeting on the Middletown Comprehensive Plan, people said they cared about keeping Middletown's "small town character", which was described as "family centered", "a place where citizens help each other", and "a place with a cozy atmosphere". In contrast to "small town character", some municipalities have more of a "big city character" where people have greater opportunities for shopping, educational and cultural activities and are more likely to encounter a greater diversity of people, ideas, and places on a daily basis.

On the scale below from 1 to 10, with 1 being the most "small town character" and 10 being the most "big city character", select the number that matches your preference for Middletown 20 years from now.

1
2
3
4
5
6
7
8
9
10

* 10. *Which category below includes your age?

Under 18
18-24
25-34
35-44
45-54
55-64
65-74
75-84
85 years or older

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 6/29/2020

RE: Monthly Planning Update – July

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:

Boileau Drive property – request to use original foundation submitted – June 1, 2020

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)
Architectural renderings approved by PC – June 15, 2020
Next step – 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) – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)
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 revised plans submitted for review – June 12, 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) –
Revised site plan conditionally approved – April 20, 2020 (Expires April 20, 2023)
Revised site plan to be revisited in five years – April 2025

Valley Register Bldg. (121 W. Main St)–change of use (intensity) approved by PC – June 15th

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 – Public Hearing scheduled for July 2nd
Residential parking requirements for townhouses and apartments – Public hearing scheduled for July 2nd
Forest Resource Ordinance amendments – Town Board approved June 8, 2020

Reports: **Annual Planning Report draft under review by PC**
Grants:

Meetings: **Next Middletown Green Team Meeting – July 21, 2020**

Next Joint town board/planning commission workshop – July 6, 2020