



# Middletown

## VIRTUAL MEETING AGENDA FOR THE TOWN WORKSHOP

September 3, 2020

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

### PUBLIC HEARING

- **Ordinance 20-08-01 – Building Height Definition Amendment**<sup>4</sup>  
AN ORDINANCE TO AMEND TITLE 17 TO ESTABLISH NEW BUILDING HEIGHT REGULATIONS IN ALL ZONING DISTRICTS.

### PERSONAL REQUESTS FOR AGENDA:

- *Doug Hutzell – Frederick, Seibert & Associates, Inc.*  
**Wiles Branch Park Stream Bank Restoration**

### STAFF REPORTS:

#### **Staff Planner**

Engineer's Report

#### **Main Street Manager**

#### **Zoning Administrator**

### CONSENT AGENDA

- **Budget Amendment 21-01**<sup>1</sup>
- Town Meeting Minutes
  - **August 24, 2020 – Town Meeting**<sup>1</sup>

### UNFINISHED BUSINESS:

- Discussion of Off-Site Sale of Liquor<sup>1</sup>
- **Comprehensive Plan – Chapter Review**<sup>4</sup>

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# Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

## **NEW BUSINESS:**

- [September is National Recovery Month – “Go Purple”](#)<sup>1</sup>
- [Changes to the Town’s Water & Sewer Billing Policy](#)<sup>1</sup>
- [Covid Procedures for Outstanding Water & Sewer Bill Balances](#)<sup>1</sup>

## **PUBLIC COMMENTS:**

## **ANNOUNCEMENTS:**

- *September 12<sup>th</sup> – Day of Service*
- *Please Complete Your Census Information*

## **ADJOURNMENT**

### **Zoom Invitation Information:**

*Topic: Town Workshop - September 3, 2020*

*Time: Sep 3, 2020 07:00 PM Eastern Time (US and Canada)*

#### **Join Zoom Meeting**

<https://us02web.zoom.us/j/83424914851?pwd=SFhQM05pYlY0OCs0TkxrcDdyMElnQT09>

*Meeting ID: 834 2491 4851*

*Passcode: 575665*

*One tap mobile*

*+13017158592,,83424914851#,,,,,0#,,575665# US (Germantown)*

*+19292056099,,83424914851#,,,,,0#,,575665# US (New York)*

*Dial by your location*

*+1 301 715 8592 US (Germantown)*

*+1 929 205 6099 US (New York)*

*+1 312 626 6799 US (Chicago)*

*+1 669 900 6833 US (San Jose)*

*+1 253 215 8782 US (Tacoma)*

*+1 346 248 7799 US (Houston)*

*Meeting ID: 834 2491 4851*

*Passcode: 575665*

*Find your local number: <https://us02web.zoom.us/j/83424914851>*

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<sup>#</sup> Identifies the Number of Times the Item has been on a Town Workshop and/or Town Meeting Agenda

MEMORANDUM

Date: 8/31/2020

To: Burgess & Commissioners  
From: Cynthia K. Unangst, Middletown Staff Planner  
RE: BUILDING HEIGHT ORDINANCE

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The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town Code at their meeting held on Monday, July 13<sup>th</sup>. The commissioners approved of the changes as shown in the attached ordinance which deletes references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six (36) feet as suggested by Commissioner LaPadula instead of thirty-five feet which is presently the limit in most districts. Thirty-six feet was suggested so the need for variances from the Board of Appeals is decreased. The building height and story definitions used by Frederick City are proposed to be used instead of our current definitions.

In light of the meeting that Burgess Miller had with Elkana last Friday regarding the redevelopment of Memorial Hall, below are some options for allowing taller buildings in the downtown area by Code; that is, buildings taller than the currently proposed 36 feet.

- 1) Add a new section to the Code that would address commercial buildings in older sections of Town similar to Section 17.32.190 – Modifications to yard requirements in areas of older residential developments.

Example: For commercial properties located in the Town Commercial district, the planning commission may allow the following modifications to building regulations if the planning commission determines that the proposed modification will result in development that is compatible with the existing neighborhood. A site plan must be filed with the request for modification. Any approved modifications, consistent with the standards outlined in this section and any associated terms and/or conditions assigned by the planning commission in the approval of these modifications, shall be noted on the approved site plan.

Height Modifications for Existing Buildings. When appropriate, the planning commission may approve an increase in height of the building, in excess of 36 feet, to allow for renovations in conformance with the best use of the property.

Reduction of Parking Spaces Needed.

- 2) Add a downtown revitalization zone to the Code which would treat those properties differently than other areas of Town, such as allowing for taller buildings over 36 feet and allowing for an increase in the footprint of existing buildings.

Example: The purpose of the Downtown Revitalization Zone is to promote the use and reuse of existing structures in the Downtown area as designated on the Comprehensive Plan and Zoning Map. An addition of up to 25% of the existing ground floor building footprint will be permitted to an existing structure that remains on the property as the principal structure. Additions which result in increased height of the existing structure shall be permitted subject to site plan review by the planning commission.

**There have been many discussions about building height regulations on the agendas of the town board and the planning commission going back to May of this year.**

- **Town Board – August 10, 2020 Meeting**  
**Introduction of Ordinance 20-08-01 – Building Height Definition Amendment** – The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town Code. The Board approved of the changes which are now in ordinance format. The ordinance deleted references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six feet. The building height and story definitions used by Frederick County were approved to be used instead of the Town’s current definitions. A public hearing will be scheduled for September 3<sup>rd</sup>, 2020. The ordinance will be voted on at the September 14<sup>th</sup> Town Board meeting.
- **Town Board – August 6, 2020 Workshop**  
**Introduction of Ordinance 20-08-01 – Building Height Definition Amendment** – The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town Code. The Board approved of the changes which are now in ordinance format. The ordinance deleted references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six feet. The building height and story definitions used by Frederick County were proposed to be used instead of the Town’s current definitions. At the August 10<sup>th</sup> Town Board meeting this ordinance could be approved and a public hearing date set.
- **Town Board – July 13, 2020 Meeting**  
**Review of Recommendations from the Planning Committee on Building Height Restrictions** – The Planning Commission reviewed the Town Code and recommended deleting any references to “stories allowed” and limits buildings in all districts a maximum height of 35 feet. Commissioner LaPadula suggested that changes be made to increase this to 36 feet in all areas so the need for variances from the Board of Appeals is decreased. The Town Attorney needs to place these recommendations in the appropriate format for a text amendment. This will be completed before the September workshop.
- **Town Board – July 2, 2020 Workshop**  
**Review of Recommendations from the Planning Commission on Building Height Restrictions** - The Planning Commission reviewed the Town Code and recommended deleting any references to “stories allowed” and limits buildings in all districts a maximum height of 35 feet. The Staff Planner reviewed the changes in each district. The question of how to measure building height was raised. The Director of Public Works

has reviewed and recommends the city of Frederick's definition of measured building height and their drawings which show this calculation. The definition and drawings will be provided at the joint Town Board / Planning Commission workshop Monday, July 6<sup>th</sup>. The Town Attorney needs to place these recommendations in the appropriate format for a text amendment.

- **Planning Commission – June 15, 2020 Meeting**  
**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.  
  
**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).
- **Planning Commission – June 10, 2020 Workshop**  
**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.
- **Planning Commission – May 13, 2020 Workshop**  
**Height of buildings code changes** – Cindy stated that we are still awaiting on a drawing from Town Engineer Bruce Carbaugh that illustrates our current height definition. Commission member Lake spoke about using increases in setbacks for structures that exceed maximum heights as described in Section 17.20.015 of the town code in the MB Mixed Business District regulations.

ORDINANCE NO. 20-08-01

AN ORDINANCE TO AMEND TITLE 17 TO ESTABLISH NEW BUILDING HEIGHT REGULATIONS IN ALL ZONING DISTRICTS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 17, Chapter 04.030 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being ~~in brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

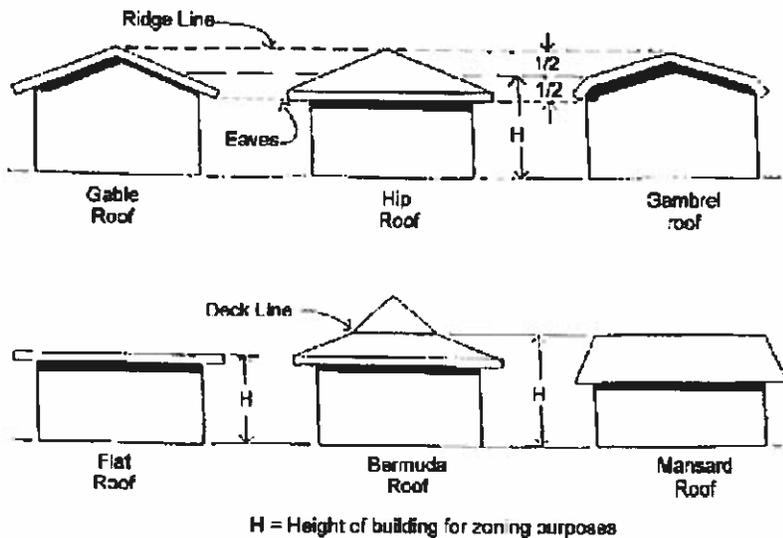
Title 17 - ZONING

Chapter 17.04. ADOPTION, PURPOSE AND DEFINITIONS.

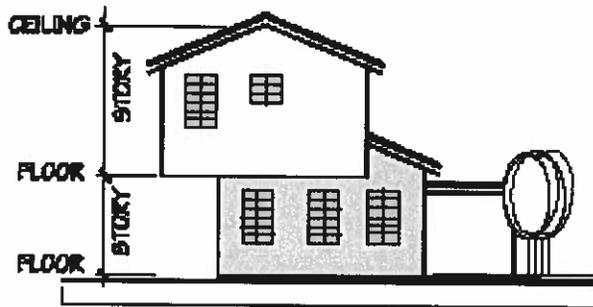
17.04.030 – Definitions.

*[All definitions except "Building Height" and Story remain Unchanged]*

Building, height of. "Height of building" ~~[means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.]~~ **MEANS THE VERTICAL DISTANCE MEASURED FROM THE AVERAGE FINISHED GRADE GROUND LEVEL ALONG THE FRONT FACADE TO EITHER THE HIGHEST POINT OF A FLAT ROOF OR TO THE POINT ONE-HALF THE DISTANCE BETWEEN THE EAVES AND THE HIGHEST POINT OF A PITCHED ROOF AS ILLUSTRATED IN THE BELOW DRAWINGS:**



"Story" [~~means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.~~] **MEANS THAT PORTION OF A BUILDING INCLUDED BETWEEN THE UPPER SURFACE OF A FLOOR AND THE UPPER SURFACE OF THE FLOOR OR ROOF NEXT ABOVE AS ILLUSTRATED IN THE BELOW DRAWING:**



**SECTION II. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 16.050 be and is hereby amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.16 – RESIDENTIAL DISTRICTS

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

No building ~~{with}~~ **SHALL** exceed ~~{two and one half stories or}~~ thirty-~~{five}~~ **SIX** (3~~{5}~~**6**) 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.

**SECTION III. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.150 be and is hereby amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.17 – RESIDENTIAL DISTRICTS

17.17.150 - Development standards. (Overlay zoning districts)

- A. *{Unchanged}*
- B. *{Unchanged}*

- C. *{Unchanged}*
- D. Height Limitation. Building height is limited to a maximum of ~~[two and one half stories or]~~ thirty-~~[five]~~ **SIX** (3~~[5]~~**6**) feet in height ~~[whichever is greater]~~.
- E. *{Unchanged}*

**SECTION III. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 20.015 be and is hereby amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through]~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.20 – COMMERCIAL DISTRICTS

17.20.015 - MB mixed business district.

- A. *{Unchanged}*
- B. *{Unchanged}*
- 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-SIX (36)** 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.
- D. *{Unchanged}*
- E. *{Unchanged}*
- F. *{Unchanged}*
- G. *{Unchanged}*

**SECTION IV. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 20.030 be and is hereby amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.20 – COMMERCIAL DISTRICTS

17.20.030 – Building regulations in commercial districts.

No building shall exceed ~~{three stories or}~~ thirty-~~{five}~~ **SIX** (3~~{5}~~**6**) feet in height or exceed sixty thousand (60,000) square feet in size.

**SECTION V. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 24.020 be and is hereby amended as follows. Language being deleted is designated by being ~~{in brackets and stricken through}~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 17.24 – INDUSTRIAL DISTRICTS

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-SIX (36)** feet in height.

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

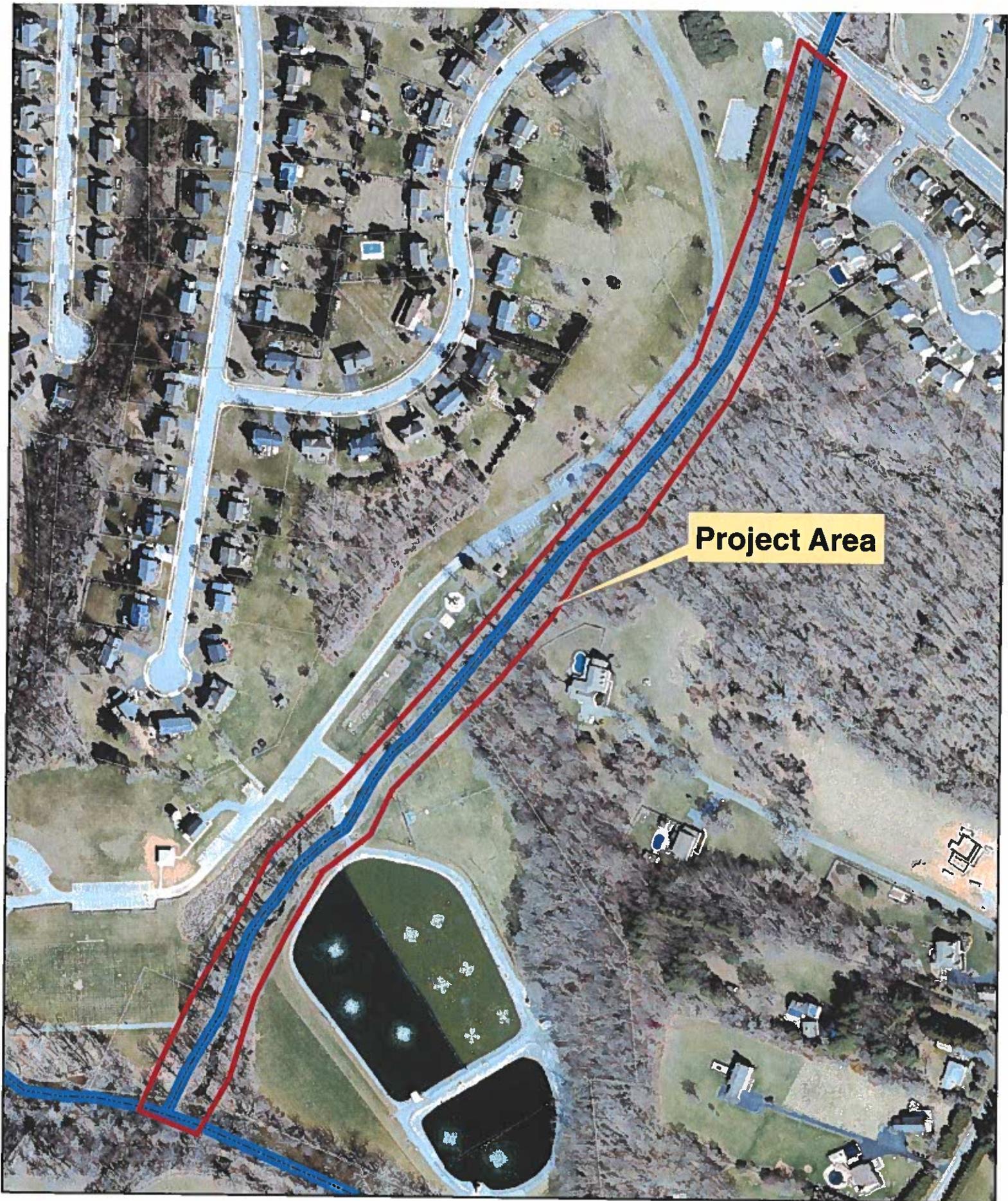
**INTRODUCED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020**  
**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020**  
**EFFECTIVE DATE: \_\_\_\_\_, 2020**

**ATTEST:**

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN**

\_\_\_\_\_  
Andrew J. Bowen, Town Administrator

BY: \_\_\_\_\_  
John D. Miller, Burgess



**Town of Middletown**  
Wiles Branch Creek Stream Restoration - MS-4

November 8, 2019

Burgess and Commissioners of Middletown  
 ATTN: Mr. Bruce Carbaugh, Town Engineer  
 31 West Main Street  
 Middletown, MD 21769

RE: Wiles Branch Stream Restoration & Stream Crossing  
 Middletown

Dear, Mr. Bruce Carbaugh

Attached is the survey and design proposal for 1,600 linear feet of stream restoration for the main stem of Wiles Branch and its tributary. A proposed new stream crossing to the WWTP will be designed and include all the necessary documentation, such as the Hydrology & Hydraulic report and soil boring reports. FSA will conduct the necessary surveying and design for the stream restoration and the removal of the four existing 60 inch CMP, to be replaced with a bridge span or bottomless arch. Once all work is completed, it will be included in the submittal to MDE, Army Corps of Engineers, Frederick County Conservation District, and Frederick County Development Review for their approval. FSA will provide any revisions during agencies review (excludes any fees).

**SCOPE OF WORK**

Conduct a survey of proposed stream restoration area, produce a base map, and collect stream data for restoration design. Investigate the site for any wetlands. Provide a stream restoration design to provide a stable stream channel and provide any needed engineering for the stream crossing.

**WORK NOT INCLUDED**

Boundary surveys, floodplain studies, geotechnical engineering, wetland delineation, construction oversight, construction stake-out, as-built surveys or other specialty engineering services are not included in this proposal. FSA can provide these services, if requested, for an additional charge.

**COMPENSATION AND TERMS**

Our estimated fee for the above work is:

Site visit, Preliminary Design & Coordination	\$ 1,960.00
Field Survey & Stream Data Collection	\$11,850.00
Geomorphic Design & Engineering	\$21,900.00
<u>Agency Processing and Revisions</u>	<u>\$ 5,742.00</u>
<b>TOTAL</b>	<b>\$41,452.00</b>
Geotech Soil Testing (Budget)	\$ 5,000.00

The survey will be provided in electronic format as a PDF file. Hardcopies will be provided on request for additional cost at the following unit prices:

Size of drawing	Blue Print Cost	Mylar Reproduction Cost	CAD Plot on Translucent Bond*	CAD Plot on Mylar
18" x 24"	\$3.00	\$3.60	\$6.00	\$7.50
24" x 36"	\$6.00	\$7.25	\$12.00	\$15.00
30" x 42"	\$8.75	\$9.25	\$17.50	\$21.50

\*CAD plots on translucent bond will be used for producing prints for interim agency review submittals.

This proposal and its associated cost is based on the rules and regulations in affect at the date of this proposal offer. Should any rules and regulations change during the life of the contract, and should the regulations require additional work by Frederick, Seibert and Associates in order to comply with same, then the estimated cost will need to be readjusted to reflect the extra work required by the new regulations. Plan approval cannot be guaranteed by Frederick, Seibert and Associates, Inc.

Any additional work that may be requested and is not included in the contract will be billed at our unit costs.

All original plans, plats, descriptions and records are the sole property of the firm. No liability is assumed by Frederick, Seibert and Associates, Inc. for the accuracy of the data provided by the client or of data obtained or available from public or governmental records or sources in the public domain. Client shall obtain from the owner thereof any and all consents required to reproduce

data protected by patent, trademark, service mark, copyright or trade secret, and client indemnifies and holds Frederick, Seibert and Associates, Inc. harmless from any claims against Frederick, Seibert and Associates, Inc. for the reproduction of such materials.

The standard of care for all professional services performed or furnished by Frederick, Seibert and Associates, Inc. (Consultant) under this Agreement will be the skill and care used by members of Consultant's profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with Consultant's services. Liability of Frederick, Seibert and Associates, Inc. shall be limited to the amount paid by client for the services provided and Frederick, Seibert and Associates, Inc. obligations hereunder shall not include any liability for special, direct, indirect, or consequential damages.

The undersigned by acceptance of this proposal, agrees to pay all attorney's and court costs incurred by Frederick, Seibert and Associates, Inc. if the matter is referred to an attorney to collect all or any portion of the actual fee for services performed.

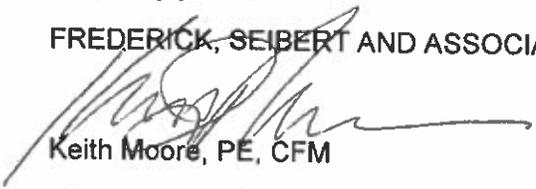
**INVOICES METHOD**

- A. Frederick, Seibert and Associates, Inc. will bill the client monthly on a percentage of the job completed.
- B. Any invoices still unpaid after 30 days will be subject to a 1 1/2% per month interest rate.
- C. We reserve the right to stop work on all projects with an outstanding invoice of more than 45 days.

If the above is acceptable to you, please sign at the bottom where indicated. Return one signed set to us for our files. Please call and inform us when we can start the design work.

Very truly yours,

FREDERICK, SEIBERT AND ASSOCIATES, INC.



Keith Moore, PE, CFM  
Director of Engineering



Doug Hutzell  
Environmental Project Manager

\*\*\*\*\*

The terms and price above outlined meet with my and/or our approval and you are hereby authorized to proceed with the work.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 8/3/2020

RE: Monthly Planning Update – August

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**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 – August 31, 2020**

**Site Plans, Plats and Minor Subdivisions:**

**Caroline’s View/Horman Apartments (East Green Street)**- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)  
Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)  
Revised Improvement Plan mylars signed – July 21, 2017  
**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Cross Stone Commons (Middletown Parkway)** – Revised Site Plan conditionally approved – 10/20/14  
Improvement Plan mylars signed – November 6, 2015  
FRO plantings completed – December 23, 2019  
**Next step – submittal of architectural renderings for building #2 for review/approval**

**Hollow Creek Professional Center (Alt. 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)  
**BOA variance request submitted July 27, 2020**  
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 approved by PC – July 20, 2020**

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

**Middletown Water Storage Tank (Ashky Ct.) –**

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

**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 and parking requirements– Approved July 13<sup>th</sup>**

**Building height regulation changes – Public hearing to be scheduled**

**Liquor store text amendment inquiries**

**Reports: Annual Planning Report conditionally approved by PC – July 20, 2020**

**Grants:**

**Meetings: Next Middletown Green Team Meeting – August 18, 2020**

**Next Joint town board/planning commission workshop – October 5, 2020**

# MAIN STREET MIDDLETOWN

**TO:** The Burgess and Commissioners  
**FROM:** Becky Axilbund, Main Street Manager  
**RE:** September Workshop Report  
**DATE:** August 31, 2020

## **UPCOMING DATES:**

Saturday, September 12, 2020 – Community Clean-Up Day

Friday, September 18, 2020 – Main Street Business Mixer at Tapias

## **ORGANIZATION:**

- The Main Street Board of Trustees is taking this break (ie- no events) in our normal work-flow to work on internal-organizational policy and procedures.
- We have recruited several new volunteers, including local business owners Jennifer Riley and Allison Porter to join the Economic Development Committee.
- Bids have been received to hire a General Contractor for the full rehabilitation (top to bottom) for 19 West Main Street. The applying firms have not been notified of a decision at the date of this report, but we anticipate this to be announced before the end of the week.
- Grants – this is the beginning of the Fall grant writing season, please see the chart below for an update on grants.

## **ECONOMIC DEVELOPMENT COMMITTEE:**

- The next Main Street Business Mixer will be held on Friday, September 18<sup>th</sup> at 8:30am. We have asked to have the mixer at Tapias so that we can meet outside on the porch and maintain social distancing and masks, but still see each other. One of the best topics that people are interested in is working together to create some synergy with cross promotions. The business mixer setting allows for this type of creative thinking.
- The EDC is surveying our businesses to glean information about how COVID-19 has impacted their businesses and have asked them to specify specifics on how Main Street Middletown can help businesses recover. To date, we have received

responses from 23% of our businesses. To date, loss of revenue is still an on-going concern for most of those who responded.

- To date, Main Street Middletown, MD Inc has addressed the pandemic with our businesses in the following ways:
  - Increased the frequency of our newsletter, especially in March and April when we were sending out daily newsletters.
  - Maintained our advertising with a mix of digital, print, and TV ads that hit local and regional audiences
  - Increased our business mixers from quarterly to monthly
  - Created an emergency Grant fund and dispersed to businesses who applied for grant relief.
  - Increased the frequency of personal visits to the extent possible to maintain health and social distancing requirements.
  - The poll is important so we can formulate next steps to address the more pressing needs, and we encourage businesses to please respond. Answers will remain anonymous.
- Coming up in October is the Main Street Business Partner of the Year Award which we hand out during Business Appreciation Week (October 5 through 9). Please let me know if you would like to be part of the Team that will visit virtually with our Middletown businesses. Plans are being coordinated now with the Frederick Office of Economic Development.

### **PROMOTIONS:**

- Meet Me on Main is finally here! I have been so excited about this concept, then formulating it into a grant request, getting the funding, and now finally we are filming after several COVID-19 related delays. Filming took place on September 1 and 2. Videos will be owned by Main Street Middletown, MD Inc and the business owners. Main Street will be following up with personal interviews to promote the more personal-interest side of each Main Street Middletown business.
- We are continuing our digital advertising campaign this month to target surrounding counties to encourage visitors to Middletown.
- We will participate in the Frederick News Post's Best of the Best campaign. This contest starts up in mid September. I do not have the link for first round voting yet, but will email it and ask everyone to please vote and promote! We really want to win Best Small Town again in 2020!
- Work is underway on our new website as the final piece of our grant-funded branding project. The new website is on schedule to be released in late October.

**DESIGN:**

- As part of Main Street Middletown's process of becoming a member of Keep America Beautiful, we are happy to partner with the Middletown churches for the clean-up day scheduled for Saturday, September 12<sup>th</sup>. Volunteers will be dispersed all over town, but Main Street is looking for a more intensive clean-up of the downtown area. As part of the KAB programming, we are to keep track of the number of bags or weight of each bag and document the results of the clean-up.
- Last week I was filmed by a Frederick firm, KO-OP to discuss the public art project. We were able to see the art work in progress and it looks fantastic!!. The video-taped interview will feature all the making of this project, from start to finish with interviews with the Frederick Main Street Managers, John Fieseler, and of course, the artist, Parran Coltery. It appears that Parran is trying to make installations in October.

**GRANTS:**

	Purpose/Project	Amount Awarded	Amt Left to Spend
<b>Grants in Progress</b>			
Community Legacy Grant FY 2018	Façade Improvement	50K	200 West Main 100-104 West Main
Community Legacy Grant FY 2019	Façade Improvement	\$15K	1 West Main There may be some funds remaining for a small project
Community Legacy Grant FY 2020	\$50,000	For Building Rehab at 19 West Main	\$50,000
OAG-FY 2020	Christmas Decorations website collateral	\$12,900 – these were original grant funds that we did not convert.	\$800 left for Christmas Decorations that we need to spend before June 30, 2021.
<b>Repurposed Grants</b>			
MD Heritage Area Grant – Repurposed	For Main Street Building	Converted to non-restricted operating funds	\$11,000
OAG-FY 2019 Repurposed	Digital Ads with WDMV; Business Mixers; Signage & Operating Costs	\$11,731.70 restricted funds in the budget.	\$265 spent on signage \$300 Left For Business Retention
OAG-FY 2020 Repurposed	Local Ad placements Scanner Public Art Project	\$6100 – restricted funds in the budget	FUNDS SPENT except for the public art project.

<b>New Grants</b>			
OAG-FY 2021 Technical Assistance Grant	Requested 20K for Photography and Videography	\$15,000 Awarded!	<b>Requests for Bids have already gone out. Review bids first week of September</b>
NonProfit Recovery Initiative Grant	\$3000 for website \$3000 for computer \$2000 for cleaning \$2000 Business Retention Activities	\$10,000 awarded	
<b>Tax Credit</b>			
Community Investment Tax Credits	Provides donors a State Tax Credit	\$10,000	\$9000
<b>Applications in Process</b>			
Community Foundation Grant	Capital Funds for the Main Street building	\$5000	Due September
TRIPP Advertising Grant	Advertising Expenses	TBA	Due September
Heart of the Civil War Heritage Area	Heritage Tourism Products	TBA	Please let me know if the Town has ideas for a grant for this fund.
Community Legacy Grants – we will be making several applications under this fund	Development Grants	TBA	Looking for Fund Announcement in September

***Thank you for your continued support and partnership  
with Main Street Middletown!***



**Town of Middletown**  
**Zoning Administrator Monthly Staff Report**

**To:** Burgess and Commissioners

**From:** Mark Hinkle, Zoning Administrator

**Date:** September 1, 2020

**RE:** Monthly Zoning Administrator Staff Report for August 2020

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**BOA Hearings:** Case MT-B-20-2 (Foxfield Active Adult) and MT-B-20-3 (Swimming pool) held August 31, 2020, meeting held virtually. Case MT-B-20-2 approved 3-0 Gabb, Kundrick and Mahar. Case MT-B-20-3 approved 3-0 Gabb, Kundrick and Mahar.

**Case MT-B-20-4 (Franklin Commons) and MT-B-20-5 (Swimming pool) to be held virtually on September 30, 2020.**

**Storage Container & Dumpster Permit:** None

**Home Occupation Permit:** None

**Zoning Violations and Complaints:**

- 1/14/2019 – 819 East Main Street, BB & T bank – Complaint received about unscreened dumpster, investigated and sent letter. Spoke with branch manager and agreed to allow them an extra 30 days so they can deal with their headquarters in North Carolina. The dumpster became obvious once the property next to them was cleared. Spoke with construction company and advised them what would be needed to be properly screened. **Plan being submitted to headquarters in North Carolina to correct issue. On hold due to Parking lot realignment efforts. Spoke with facilities maintenance 10/7/2019 and they are waiting on a decision on the lot realignment before moving forward**
- 4/24/2019 – 5 East Main Street, Subway – Deteriorating signpost and signage for business no longer on site, letter sent, spoke with owner. Subway will be assigning a new Franchisee in the next 6 months and they plan on renovating and improving the building and signage at that time. **Working toward renovation of building and signage at same time. 7/15/2020 reached out again to check status of project and updates, no response.**

- 10/23/19- 121-125 W. Main St.-Work without a permit. Sent letter to owner and contacted Frederick County. Stop work order issued by Frederick County. Owner filed for Zoning Certificate but has not applied for permit. Owner is also meeting with Planning Commission to discuss changes to property. County still has not received Zoning Certificate to begin permit process. County has approved renovations. ***Project was approved for two main level business suites, two second floor apartments. Project will to go through Planning Commission process to proceed with two third floor apartments. Permits have been issued, case can be closed***

***Miscellaneous:***

- Letter sent to owner of Franklin Commons to submit all required paperwork by January 15, 2020 to comply with decision by Board of Appeals. We did not receive the required information. Certified letter sent to owner to let them know that their past decision has expired and that they would need to file for the case to be re-heard before they can move forward. ***7/22/2020 Received paperwork for Board of Appeals application, hearing scheduled for September 30<sup>th</sup>.***
- Working with several Middletown Glen citizens and contractors about what their options are regarding pools etc.
- Building permit issued by Frederick County before approval of Town Zoning Certificate, Frederick County stated it was an intake error and would be corrected in house, I will continue to monitor for other issues.
- Communication with the management company for the HoA at Middletown Glen, the issue remains that the HoA wants me to approve zoning certificates for swimming pools before they will approve, I stated my preference is that the HoA approves first so that the applicant is not wasting money and staff time if the pool does not meet the HoA guidelines. Still a work in progress.

***Permits:***

<i>August 2020 Zoning Certificate Address</i>	<i>Permit #</i>	<i>M-town Received</i>	<i>M. Hinkle Approved</i>	<i>County Approval</i>	
Gureckis-All season room	710 E. Main St.	294785	7/24/2020	8/5/2020	Yes
Stuart-Propane tank	7 Gladhill Dr.	294793	8/5/2020	8/5/2020	Yes
Boyll-Fence	210 Ingalls Dr.	Town	8/4/2020	8/7/2020	No
Spessard-Fence	402 Glenbrook Dr.	Town	8/4/2020	8/11/2020	No
Gallaway-Fence	305 Ingalls Dr.	Town	8/3/2020	8/11/2020	No
Geisbert-Fence	609 W. Green St.	Town	8/13/2020	8/13/2020	No
Prescott-Shed	12 Larch Ln.	297604	8/20/2020	8/21/2020	Yes
Lewis-Fence	216 Lombardy Ct.	Town	8/21/2020	8/21/2020	No
Casey-Shed	8 Coblentz Ct.	299140	8/26/2020	8/28/2020	Yes
Amvets-Hood system	409 W. Green St.	293204	8/31/2020	8/31/2020	Yes



# FREDERICK COUNTY SHERIFF'S OFFICE

**HEADQUARTERS  
FREDERICK COUNTY LAW  
ENFORCEMENT CENTER**

110 Airport Drive East  
Frederick, Md. 21701  
301-600-1046  
301-600-1527 (Fax)  
301-600-7655 (TTY)

**JUDICIAL OPERATIONS**

100 W. Patrick Street  
Frederick, Md. 21701  
301-600-2162  
301-600-3690 (Fax)



**CHARLES A. JENKINS**  
SHERIFF

**DETENTION CENTER/  
CENTRAL BOOKING**

7300 Marcie's Choice Lane  
Frederick, Md. 21704  
301-600-2550 (D.C.)  
301-600-2566 (D.C. Fax)  
301-600-1790 (C.B.)  
301-600-1791 (C.B. Fax)

**WORK RELEASE CENTER**

7281 Marcie's Choice Lane  
Frederick, Md. 21704  
301-600-1727  
301-600-3404 (Fax)

RW/rw  
July 23, 2020

Mr. John D. Miller, Burgess  
Town of Middletown  
31 W. Main Street  
Middletown, Maryland 21769



Dear Burgess Miller:

Enclosed are two copies of the FY 2021 contract between the Frederick County Sheriff's Office and the Town of Middletown. The contractual cost for FY 2021 is \$406,956, which represents a 4.64% decrease. This increase is due to the change in in the Uniformed Law Enforcement Pay Scale.

Please sign both copies of the contract, have them witnessed, and return them to me. Once the remaining signatures are obtained, a signed original copy will be returned to you. Should you have any questions, please feel free to call Renee Williar at 301-600-1833.

Sincerely,

Charles A. Jenkins  
Sheriff of Frederick County

/Enclosures (2)



STATE HIGHWAY  
ADMINISTRATION

Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Acting Secretary  
Tim Smith, P.E.  
Acting Administrator

RECEIVED

JAN 29 2020

Town of Middletown

January 22, 2020

Mr. Andrew J. Bowen  
Town Administrator  
Town of Middletown  
31 W. Main Street  
Middletown, MD 21769

RE: Highway User Revenue Revised Estimates - Fiscal Years 2020 and 2021

Dear Mr. Bowen:

The Maryland Department of Transportation has revised the estimated Highway User Revenues (HUR) for Fiscal Year 2020 and Fiscal Year 2021. This revision was based on an updated revenue forecast.

The revised HUR estimates for Town of Middletown for Fiscal Years 2020 and 2021 are \$229,377.77 and \$233,921.44, respectively. Please note that these estimates are based on the most recent registration and mileage data on file. If a change to this data is anticipated for Fiscal Year 2021, you may want to adjust your internal HUR estimate accordingly.

Please note that legislation enacted during the 2018 Session of the Maryland General Assembly altered the manner in which the State provides highway user revenues to localities. Beginning in FY 2020, these funds will be provided through capital transportation grants instead of providing a portion of the Gasoline Motor Vehicle Revenue Account (GMVRA) revenues. The distribution methodology based on registrations and lane miles remains the same.

If you have any questions or require further assistance, please feel free to contact Michele Crowder at (410) 545-5535 or me at (410) 545-5510.

Sincerely,

Okey I. Odinammadu, Chief  
Accounting Operations Division  
Office of Finance

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

Cc: Shirley Kou, MDOT TSO  
Drusilla Pierce, MDOT SHA  
Michele Crowder, MDOT SHA

**BURGESS AND COMMISSIONERS  
OF MIDDLETOWN MARYLAND**

**TOWN WORKSHOP MEETING MINUTES  
VIRTUAL MEETING**

**REGULAR MEETING**

**August 24, 2020**

The virtual regular meeting of the Burgess and Commissioners of Middletown was called to order on August 24, 2020, by Burgess Miller at 7:00 p.m. Present were: Commissioners Larry Bussard, Christopher Goodman, Jennifer Falcinelli, Jean LaPadula and Rick Dietrick.

**PERSONAL REQUESTS FOR AGENDA:** None.

**CONSENT AGENDA:**

- **Town Meeting Minutes**
  - *August 6, 2020 – Town Workshop*
  - *August 10, 2020 – Town Meeting*

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Dietrick. Motion carried (6-0).

**UNFINISHED BUSINESS:**

**Design Proposal for Wiles Branch Park Stream Restoration**– This project would assist the Town in completing credits towards Maryland’s MS4 requirements. MS4 requires towns to decrease their impervious areas within a town by up to 20%. There is a list of things towns can do to mitigate their impervious surface amounts. This stream restoration project would be completed in multiple phases with the end goal of improving stormwater management quality and water quality of Wiles Branch. This project would meet all MS4-2025 requirements and identify and resolve other issues along the creek bed. It was projected that the West WWTP would not pass the permit renewal 7 years from now due to technological limitations. The Department of Public Works is preparing a new CIP for a new plant. Some of the Wiles Branch Stream Restoration could be completed as part of the construction of the new plant. The survey and design proposal would investigate the stream area and assist in identifying areas to address. Commissioner LaPadula asked if the cost would be less if the engineers only surveyed the creek up to and stopping short of the wastewater treatment plant. The Town Board can award the contract but stop it at any time during the design phase. The Town Administrator suggested having the entire area surveyed and reviewed, including the wastewater treatment plant. Then it can be determined which items will be included with the stream restoration and which items would be included as part of the new wastewater treatment plant. Burgess Miller stated that there are normally State and Federal monies available to offset some of the costs of construction of water treatment facilities. It was determined to have the engineers revise the design estimate and include only the creek leading up to the wastewater treatment plant. They are also asked to attend the September Town Workshop. The Director of Public Works will be in attendance to provide clarification on his comments regarding this project.

**Stop Sign & Crosswalk Tobias Run – Design & Cost Estimate** – The Town Engineers provided design changes to what was originally approved to address the safety issue on Tobias Run. Instead of 3 stop signs, 3 stop bars and 3 handicap accessible crosswalks in the identified intersection, they have proposed 2 handicap accessible crosswalks, 3 stop signs and 3 stop bars. One of the originally approved crosswalks

would have ended in a resident's driveway. Additional speed data collected on Tobias Run shows that there is not a speeding issue on that street, only a safety issue. This design would address that issue. With the new stop sign installation, the Town Board reviewed the new area created with no curbside parking.

**Motion:** Commissioner Dietrick motioned to approve the safety design changes to the Tobias Run intersection as presented. Seconded by Commissioner Bussard. Motion carried (5-1, Commissioner Goodman voted against.).

Tobias Run residents will be notified via mail of this intersection safety change, the supporting information and when it will be installed.

**Ordinance 20-08-01 – Building Height Definition Amendment** – The Town Board previously reviewed recommended changes by the Planning Commission to building heights in the Town Code. The Board approved of the changes which are now in ordinance format. The ordinance deleted references to the number of stories allowed and limits buildings in all districts to a maximum of thirty-six feet. The building height and story definitions used by Frederick County were approved to be used instead of the Town's current definitions. A public hearing is scheduled for September 3<sup>rd</sup>, 2020. The ordinance will be voted on at the September 14<sup>th</sup> Town Board meeting. No further discussion was given.

**Comprehensive Plan – Chapter Review** - The Town Board was previously provided draft copies of Chapters 1 and 3 of the 2020 Comprehensive Plan, and draft mission and vision statements to begin reviewing. Commissioner LaPadula recommended placing the mission statement and vision statement as a separate stand-alone page at the beginning of the comp plan. If anyone has any changes or comments please send them to the Town Planner and the Planning Commission. This will be an item on the next joint Town Board/Planning Commission meeting. The Comp Plan will be approved by the Planning Commission and then come before the Town Board for final approval.

**Review of Preliminary Design for Washington Street** – This project will provide a safe walking path along Washington Street from the Elm Street parking lot to the downtown core. It includes replacing all curb, gutter, sidewalks, lighting and replacing the asphalt. There will be some storm drain improvements. Streetlights will be installed on Garage Alley as part of this project. Once the Town board has worked out details the residents will be notified for input and discussion. It was suggested that the Town Board meet with the Town Engineers prior to the September workshop at the Washington Street site to review the project. The Board would see the issues to be addressed. This could also begin the involvement of neighborhood residents.

#### **NEW BUSINESS:**

**Fall Hydrant Flushing – October 12-16, 2020** – This is already up on the town website.

**2021 Legislative Package for General Assembly** – Burgess Miller asked the Commissioners to identify possible suggestions for projects and/or legislative action for the County to include in its' legislative package to the State. A second emergency siren for the town though suggested may not be appropriate for this action. Economic development and tourism ideas will be reviewed over the next few Town Board meetings that could possibly be included.

#### **PUBLIC COMMENTS:**

**South Church Street Parking Spaces** – State Highway painted new parking spaces across from the old fire station. The curb where the new spaces are located needs to be repainted to indicate that it is ok to park there. Parking on the sidewalk in that block is no longer allowed. Property owners have been notified.

**Main Street Streetscape** – This project is wrapping up. State Highway crews were in front of town hall putting in the “brick” across the crosswalk at Main and Jefferson Streets. The Director of Public Works has notified State Highway of the schedule to remove their equipment from the lot on East Green Street and to restore the lot to a grassy area.

**Frederick County Public Library Virtual Listening Sessions** – August 13, 2020 at 10:00AM and 7:00PM – The virtual meetings were held. A new architectural firm has the project. The plans shown show a larger facility than previous plans, but nothing has been decided. Libraries in the area usually have a theme that connects it to the community and its’ history.

**ANNOUNCEMENTS:**

- *Please Complete Your Census Information –Census workers are now visiting residences to assist with the census completion.*
- *Restaurant Week – It is restaurant week in Middletown. The Main Cup and Dempsey's Grille are participating. Both offer fantastic specials to celebrate this week.*

Meeting adjourned at 8:55 PM.

Respectfully submitted,

Annette Alberghini,  
Office Manager

## Chapter 3

### NATURAL FEATURES/SENSITIVE ENVIRONMENTAL AREAS

This chapter identifies those physical characteristics, natural resources and sensitive areas existing within the Middletown area and formulates policies and proposals to protect them.

#### 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 has 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. This chapter provides basic background information; identifies constraints to development; identifies 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.

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 ft. above sea level at the northeast corner of the recent Memar annexation north of the Middletown County Park, 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. 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's 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**

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 in the Middletown area; the 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. 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, and updated its floodplain regulations on June 8, 2015 based on the State model regulations. 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 floodplain. One-hundred-year floodplain information also exists for Cone Branch and Wiles Branch up to the southern limits of Middletown. All four 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 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 both north and south of West Main Street; an area along Cone Branch on the north side of Town, west of Coblenz 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 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.

## STREAMS & BUFFERS



*Catoctin Creek*

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 water quality, flora and fauna. Stream buffers are essential to preserving stream quality. Vegetative buffers provide soil stabilization, filtration of sediment and shading of the stream which maintains stream quality and mitigate stream temperatures.

The primary waterbody in the Middletown Region is Catoctin Creek which is a winding stream with a 30-year average flow of 76.7 cubic feet per second. In comparison, the Monocacy River in the Frederick Region has a 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 (the drought of record.)

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.

Stream restoration work was completed in 2019 on Hollow Creek north of Layla Drive to restore and stabilize the stream channel. Substantial stream bank erosion along Hollow Creek was threatening four of the Town's wells which provide drinking water to the Town residents.



Stream bank stabilization of 450 linear feet was also done on Wiles Branch and Catoctin Creeks back in 1996. Inspections done by the State had found serious problems with wash-out, especially around the discharge line into Catoctin Creek. That project was located in the vicinity of the West Wastewater Treatment Plant.

## **GROUNDWATER**

The other important water source in the Middletown Valley is groundwater. The Middletown water supply comes from a series of 4 springs located on the western ridge of Catoctin Mountain near Coxe Brown Road and 20 wells. The Town of Middletown including the springs are delineated community wellhead protection areas on the County's Wellhead Protection Areas map dated July 26, 2016. These springs and wells are carried by a pipe to the Town's water tank 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 89 gallons per minute. The two rock formations, the Catoctin Metabasalt and Mica Schist, have average well yields of 16 and 22 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.

## **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 Catocin 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 (volcanic rock with quartz) 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 Catocin Mountain.

### **FOREST CONSERVATION**

In 1991, the State of Maryland enacted the *Forest Conservation Act* to protect forests by making forest conditions and character an integral part of the site planning process. It is regulated by the Maryland Department of Natural Resources but implemented and administered by local governments. The law's intent is to maximize the benefits of forests and slow the loss of forest land, while allowing development to take place. In 2006, the Burgess and Commissioners adopted Subtitle 16 of Title 5 of the Natural Resources Article of the Annotated Code of Maryland as the "Middletown Forest Resource Ordinance." Prior to the approval of any subdivision of land or development which results in the cumulative disturbance of 40,000 square feet or greater, developers must submit a Forest Stand Delineation and a Forest Conservation Plan which are reviewed and approved by the Middletown Planning Commission.

The Town makes every effort to plant trees along stream banks and within floodplains, and in other areas owned by the Town. If forest is being protected as part of a development project, the area must be put into an easement for long term protection.

### **EROSION & SEDIMENT CONTROL/STORMWATER MANAGEMENT**

Proper stormwater management is important in protecting natural features such as soils and waterways, as is suitable erosion and sediment control. The Sustainability Chapter addresses these regulated activities which are executed at the County level.

### **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 purpose 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. Purposes of the Open Space District 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 Catoclin 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 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. Forest conservation laws enacted by the State are included in the Town's regulations by amendment as necessary. The Town should preserve and increase the tree canopy within the developed areas of the Town.
5. The Town enacted the State required floodplain regulations which cover FEMA 100-year floodplains. There are additional areas in Town which are floodplain soils such as along Cone Branch. Additional regulations were enacted in 2015 to protect these 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 Environmental Protection Agency approved on July 31, 2009, a Total Maximum Daily Load (TMDL) for sediment in the Catoclin Creek Watershed to reduce sediment runoff and discharges into Catoclin Creek and its tributaries.

## **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 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 and wetlands 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.
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. If development is to occur on slopes between 15% and 25%, good engineering practices shall be required to ensure sediment and erosion control and slope stabilization before, during, and after disturbance activities and to minimize cut and fill.
2. 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. Protect the Town's natural scenic vistas by working with Frederick County to encourage strong land use controls on rural lands adjacent to Middletown.
5. The amount of impervious cover in new developments should be minimized to the extent feasible.
6. Town shall encourage an agricultural or environmental buffer around the corporate limits.

**NATURAL FEATURES IMPLEMENTATION RECOMMENDATIONS**

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

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 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 have been examined for possible protections for steeply sloped areas and amendments have been enacted.

The Town has taken numerous actions over the years to achieve protection of natural features. These actions are described in the Sustainability chapter of this Comprehensive Plan.

## Chapter 4 LAND USE

Since one of the major purposes of the Comprehensive Plan is to guide future decision making on development, it is important to look at past and existing patterns of land use as background information for future land uses. Existing land uses will, to a large extent, determine future land use decisions.

Middletown has developed similarly to many small towns with a mixture of residential and commercial development along the main intersecting streets in Town (Main Street, Church Street, and Jefferson Street). Most of the commercial activity is concentrated in two primary locations: along West Main Street from Church Street to Elm Street which is considered the ~~central business town commercial~~ district (TCBD) and on the eastern side of Town along and adjacent to Middletown Parkway. Residential development predominated on the edges of the town commercial district CBD and on the surrounding parallel streets to Main and Church Streets. More recent development has included residential on the east and northwest edge of Town, ~~a County park to the north, and the development purchase~~ of Remsberg Park land to the south ~~with for future~~ ballfields and other recreational activities, and the Cross Stone Commons commercial area on Middletown Parkway.

While Middletown is the focus for development in the Middletown Valley, substantial development has occurred beyond the limits of the Town both east and west. To the east is the Fountaindale Subdivision and commercial development along US 40A. To the west are the Brookridge North Subdivision, West Middletown Estates and Picnic Woods Estates. The entire Middletown Valley has continued to be a desirable area for residential development, often conflicting with the existing agricultural activities.

### EXISTING LAND USE

The existing land use in the Town of Middletown shows the predominate land use is residential with 52.1% in this category. This compares with 26% of the land in residential use in 1969. The majority of the residential use is single-family dwellings which are located throughout the ~~entire~~ Town. Multi-family residential and townhouse development is located in several specific locations. The Middletown Valley (formerly Chesterbrook) Apartments are located at the south end of Broad Street in Middletown with other multi-family development located closer to the center of Town. Townhouse developments are located in two areas on the west side of Town and include Jefferson Village and Creamery Row, and on the east side of Town in the Glenbrook Planned Unit Development (PUD).

Commercial development accounts for 43.9% of the land use in Middletown compared to 2.8% in 1969. Primary locations of commercial activity include the downtown area along Main and Church Streets, ~~and the Valley Shopping Town Center Plaza~~ located on the eastern edge of Town, and the Cross Stone Commons shopping center on Middletown Parkway. Commercial uses in the downtown area are interspersed with residential and institutional uses, however, and there are specific pockets of separate commercial areas. The commercial area near the intersection of Church and Main Streets extends along Main Street from Church Street to Summers Drive and along Church Street from Green to Washington Streets. On the western edge of Town, commercial uses are located near Main

Street and Walnut Street. Other spots of commercial activity are located at the intersection of Boileau Drive and Church Street and on East Main Street and Broad Street.

Public and semi-public land accounts for 12-14.2% of the land area in Middletown. This category includes churches, cemeteries, and other institutional or non-profit land holdings. The percentage of public and semi-public land has decreased in Middletown since 1969. Open space/recreation and parkland is approximately 320.8% of the land in Middletown as compared to 1% in 1969. This category includes land specifically dedicated or reserved for open space, as well as undeveloped land which has the potential for development. Undeveloped land includes the Coblenz property on East Green Street, land owned by the Fire Department off Fireman's Way on Franklin Street, properties fronting Middletown Parkway, and the Dowd property east of the Town Center Plaza which is slated for development as a professional center with some additional retail uses.

The Existing Land use Map, Figure 4-1, following this section shows the existing land use as of 202009.

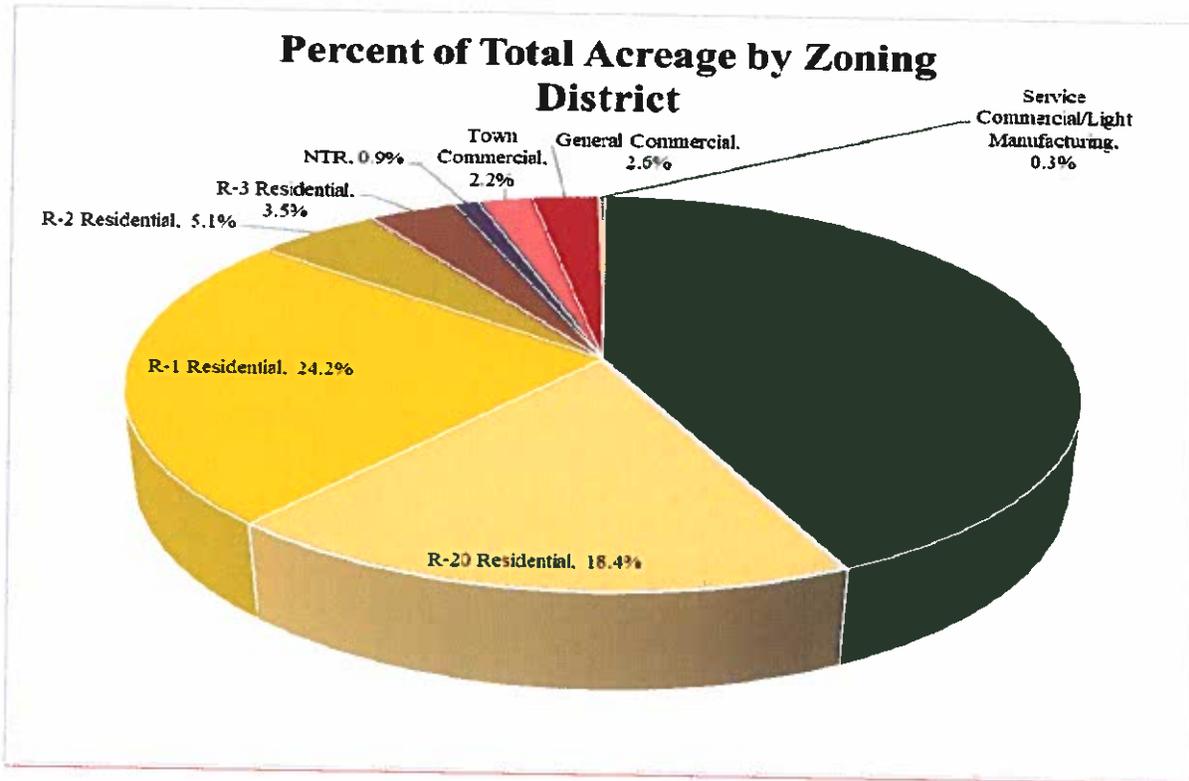
## ZONING

The first official Middletown Zoning Ordinance was adopted in 1969. It outlined different zoning districts and provided development regulations for those districts. Since that time, the Zoning Ordinance and Zoning Map have gone through numerous amendments to further refine and reflect the objectives of the Town. For example, provisions for the Industrial zone were amended in 1985 changing the zoning to the Service Commercial/Light Manufacturing District which included both map changes and text changes. Another example was the addition of the R-20 Residential District in 1988 which provided a transition zone from the Town's denser development to the County's less dense residential development.

There are 8 zoning districts in use in Middletown which encompass all the land area in Town. There are four residential districts, three commercial districts, and an open space district. The largest zoning district in terms of land area is the OS Open Space District which includes the RichlandHollow Creek Golf Course. The second largest zoning district in terms of land area is the R-1 Residential zone which includes approximately 29489 acres (247% of the total land area in Town). An overlay district was added to the zoning code in 2008 and is known as the Neo-Traditional Residential (NTR) Overlay District. This district can be overlain only on the R-3 zoning district and provides for smaller setbacks and the inclusion of alleys with greater design guidelines than the other residential districts. The Middletown Glen subdivision off East Green Street was developed using the NTR regulations. The Current Zoning Map, Figure 4-2, following this section shows the existing zoning as of 202009.

It is important to note the difference in land use and zoning. A particular zoning on a property can provide for different land uses and in some cases the existing land use is non-conforming and would not be permitted under present regulations. A non-conforming use is one which existed prior to the adoption of the specific regulation. There is one remaining non-conforming use property in Middletown which is the BP Station located on East Main Street. An example of this would be Ingall's Lumber Supply which is zoned R 1 Residential. Other examples of the difference between land use and zoning would be the residential development along West Main Street in the areas zoned Town Commercial.

Table 4-1 shows the eight zoning districts in Town with the amount of developed and undeveloped acreage in each category. This table includes acreage of some parcels which are developed but not to the fullest extent allowed by the zoning regulations.



**TABLE 4-1**  
**MIDDLETOWN, MARYLAND**  
**DEVELOPED & UNDEVELOPED ACREAGE BY ZONING DISTRICT**

Zoning District	Acres Developed	Acres Percentage	Acres Undeveloped	Percentage	Total
Open Space	0	0%	436	100%	436
R-20 Residential	114	88%	15	12%	129
R-1 Residential	273	94%	16	6%	289
R-2 Residential	63	84%	12	16%	75
R-3 Residential + NTR	36	57%	27	43%	63
Town Commercial	27	100%	0	0%	27
General Commercial	18	56%	14	44%	32
Service Commercial/Light Manufacturing	4	100%	0	0%	4
<b>Total Acres</b>	<b>535</b>	<b>51%</b>	<b>520</b>	<b>49%</b>	<b>1055</b>

Source: Frederick County Planning Department and Middletown Planning Staff 2009

## SUBDIVISION ACTIVITY

## History

Major subdivision activity took place in the late 1970's with the development of the Woodmere Subdivision and the Jefferson Village Subdivision. However, by the 1980's, subdivision activity was minimal due in part to a sewer moratorium in the early 1980's. This restraint on development continued to have an impact on Town growth thru the 1980's although several properties proposed annexation. During the years 1982 to 1989, there were a total of 57 lots created averaging 7 new lots per year. By 1990, subdivision activity increased due to three large developments which had been in the planning stages since the late 1980's. Those subdivisions were Brookridge South, North Pointe and Sections I and II of Foxfield. From 1990-2000 subdivision activity averaged 29 new lots per year. In addition, approved but not recorded lots accounted for another 595 lots. In the 1990's, the average lot size generally increased from the 1980's except for 1992 which included several small parcels in the older downtown area. In the late 1990's, subdivision activity declined while the town constructed the new east end sewerage facility and upgraded its water distribution facilities. The 400,000 gallon elevated water storage tank was erected to the rear of the school complex. The distribution lines were pressure zoned throughout town while new wells were added to the system and improvements were made in the watershed area. With consciously planned efforts and the subdivisions of Glenbrook and Foxfield moving forward, an ~~With these improvements in place, a~~ huge increase in subdivision activity began in 2000, as can be seen in Table 4-2.

Table 4-2  
FINAL APPROVED SUBDIVISION PLATS: 2000-202009

	2000	2001	2002	2003	2004	2005	2006	2007
# of Lots	45	106	237	120	0	0	60	0
Avg. Lot Size (acres)	0.5	0.3	0.3	0.2			0.2	

Source: ~~Frederick County Planning Department 2000 and Middletown Planning Staff 20202009~~

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<u># of Lots</u>	<u>45</u>	<u>106</u>	<u>237</u>	<u>120</u>	<u>0</u>	<u>0</u>	<u>60</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>
<u>Avg. Lot Size</u> <u>(acres)</u>	<u>0.5</u>	<u>0.3</u>	<u>0.3</u>	<u>0.2</u>			<u>0.2</u>		<u>0.3</u>			<u>0.3</u>		

~~Due to a state imposed moratorium on development approvals in 2003 due to water allocation and use issues, the adoption of the Residential Growth Policy, and the will of the town board, there has been little subdivision activity in the past six years.~~

## Site Plans

Whenever a new commercial or industrial use, or a change of use, is proposed, a site plan for development of the property must be approved by the Middletown Planning Commission, unless criteria are met in which it can then be approved by the Zoning Administrator. A site plan may include road access, parking, lighting, signage, stormwater management, landscaping, architectural review and trash dumpsters. The purpose of the site plan is to coordinate permitted activities on the site and to minimize the impact the proposed use will have on neighboring properties. ~~Since 1983, 41 site plans have been approved by the Middletown Planning Commission. Most of the 41 approvals involved existing buildings in the downtown area either on Main Street or Church Street. Twenty-two of the approvals were for properties on Main Street and 11 site plans were for properties on Church Street. Major site plan approvals include the 47,000 sq.ft. Town Center Plaza (Valley Shopping Center) which was approved in 1985; 3,200 sq.ft. office space in the Church Street Business Center; 4,500 sq.ft. for renovation and addition to Granger's Mutual Insurance Company; 1,800 sq. ft. LDS Convenience Store, and 3,908 sq.ft. for a Middletown Branch library.~~

In 2007, the Town Code was modified to require a demolition site plan be reviewed and approved by the Middletown Planning Commission along with the demolition permit application. Although the regulations represent an increase in public review, they do not prohibit the demolition of a building be it historic or otherwise. Increased development pressure can be expected to be a threat to historic structures and sites as economic considerations may encourage demolition rather than re-use. (See Section 17.32.160, Middletown Municipal Code)

## **ANNEXATIONS**

Another major aspect of development is the annexation of land into the Town. Annexations increase the size of the corporate limits typically through landowner petition. All annexations require a public hearing process and referral to the County and State for comment. The County must review the annexation in light of the current county zoning classification. If the proposed annexation is inconsistent with the current county zoning, then the County must decide whether to grant a waiver of zoning consistency if requested. If the County does not grant the waiver then the five-year rule applies in which the municipality must wait five years before the new zoning classification is applied. When the zoning change is from one residential zone to another, the five-year rule will not kick in unless the density change of the proposed zoning is denser by 50 percent or greater. Since 1972, there has been over ~~859694~~ acres of land annexed into Middletown and 33 acres de-annexed from Middletown. The annexed area has more than doubled the size of the corporate limits of Middletown.

The changes to the zoning district acreage as a result of annexation are as follows:

TABLE 4-3  
CHANGES IN ZONING AS A RESULT OF ANNEXATION

Open Space	+17905 acres
R-20 Residential	+262168 acres
R-1 Residential	+407 acres
R-2 Residential	-30 acres

R-3 Residential  
GC General Commercial

+21 acres  
+11 acres

Source: Frederick County Planning Dept. and Middletown Planning Staff 2020

TABLE 4-4

ANNEXATIONS: 1972-2020

<u>Approved</u>				
<u>Year</u>	<u>Name</u>	<u>Acreage</u>	<u>Location</u>	<u>Zoning</u>
1972	Woodmere South	5	S Woodmere S. Subd.	R-1
1973	Airview/Valley Center	43	N & S side Main St.	R-1, GC
1973	Board of Education	50	Green St.	O-S
1979	De Annexation Middletown South	-33	W MD 17, S Town	R-2
1988	Egon Elsner	0.776	Val-E-Drive (Jesserong Dr.)	R-1
1989	Lancaster	3	Washington St.	R-2
1989	Valley Land Investors	73	S US 40-A, W Town	R-1
1990	Middletown Sewer Plant	16	S US 40-A, S Town	O-S
1991	Coblentz Ltd Ptnrshp	30	E Coblentz RD	R-20
1991	Glenbrook	289	S US 40-A, E Town	R-1, R-3, GC
1992	Routzahn	10	N E. Main St., W Coblentz Rd	R-1
1992	Coblentz Ltd Ptnrshp	14	W Coblentz Rd	R-20
1993	J.H. Remsberg	13	W Holter Rd	R-1
1994	Cone Branch pump stn	0.5		OS
1997	Coblentz Ltd Ptnrshp	118	E. Coblentz Rd	R-20
2000	Johnson (Foxhole)	6	E. Coblentz Rd	R-20
2000	Well Fields (4 Parcels)	16	W. Hollow Rd	OS
2002	Fred. Co. Public Schools	17	Franklin St.	OS
2002	Middletown Vol. Fire Dept.	4	Franklin St.	OS
2013	Middletown County Park	74	Coblentz Road	OS
2018	Memar Corp (Admar)	94	Coblentz Road	R20

Source: Middletown Planning Staff 2020

The location of annexed and de-annexed land is shown on Figure 4-3.

**HISTORIC SITES**

The historical past of Middletown is easily recognized even to the casual observer in both the Town and the surrounding Region. This evidence of the past is seen throughout Frederick County, but especially in Middletown with its early development as a turnpike town. The 1990 Frederick County Comprehensive Plan recognized the importance of the historic past and in 1991, the County began a four year project to complete a county-wide historic sites inventory. This project began in the late 1970's, but lapsed in the early 1980's because of loss of funds. The survey was resumed in February 1991 with the aid of a matching grant from the Maryland Historical Trust, the state historic preservation agency.

The benefits of historic preservation are both tangible and intangible. The tangible benefits include: construction related jobs, increased tourism, and returning vacant structures to the tax rolls. The intangible benefits include a greater appreciation of historic heritage and stability of the neighborhood. ~~Among the s~~Sites recognized in and around the Middletown corporate limits during the survey are as follows:

Airview Survey District (F-4-38): Airview, an early 20th century private real estate development at the east end of Middletown, has large residences in the vernacular, Queen Anne, Colonial Revival, and bungalow styles built about 1898-1930. Among the houses is an outstanding example of the Queen Anne style, the George Gaver House (1898-99), at 701 E. Main Street, and the first documented concrete block house in Frederick County, "Gray Haven" (1906), 709 East Main Street. The development was a direct result of the opening of the 1896 trolley line which linked Middletown and Frederick.

Middletown Survey District (F-4-39): Middletown's Survey District is centered on the intersection of Main Street and Church Street and includes the original 1767 planned town west of the intersection, the early 19th Century additions of Keller, Wise, and Grove, and the late 19th and early 20th Century extensions of East Main Street and the Prospect Street development. The later additions were partly influenced by the 1896 Frederick and Middletown Electric Railway and other factors such as the building of a school with necessary street access. The district involves 338 buildings and structures and includes 118.5 acres. The architecture of the different sections is clearly distinguishable, with the log, stone, and brick buildings of the pre-1850 period concentrated in the original section and along Jefferson Street through Keller's Addition. Late 19th Century commercial buildings are clustered along Main Street in the original section. The eclectic residential styles of the 1890's through the 1930's are apparent in the East Main Street and Prospect Street areas. Middletown is an excellent representative of "turnpike town" development, with the added influence of the electric trolley, which opened the Middletown Region to wider contact with other parts of the County and the larger interstate region. Middletown is also significant for its role as a hospital center after the 1862 Civil War Battles of South Mountain and Antietam and as the 18th and 19th Century religious center of the middle and upper Middletown Valley.

Spoolsville Survey District (F-4-44): Spoolsville was a rural industrial community established about 1800 around the Bowlus Flour Mill (demolished) on Little Catoctin Creek, west of Middletown. It presently includes mostly residential buildings of log, stone, brick, and frame, built from about 1800-1870. Among the 24 contributing structures are two remnants of the commercial life of the community which developed from the mill industry and the location of the village on the busy National Road, a blacksmith shop and a wagon shop. The principal dwellings are the Bowlus Mill House, a circa 1800 stone house with fine interior craftsmanship in the German vernacular style evident in its trim and mantels, and the Adam Koogle House, a brick house of about 1830-40 on the

old National Road, which is associated with the wagon shop. The district also includes several late 19th Century agricultural buildings and a circa 1920 steel truss bridge. This 1920 steel truss bridge ~~was has been~~ removed and replaced with a more modern bridge with larger capacity. The old bridge ~~was has been~~ relocated to the Glenbrook subdivision for use as a bridge in the golf cart path, and stream crossing.

J. Harmon Remsberg Farmstead (F-4-23)

The Remsberg Farmstead is located on both sides of Holter Road, just outside the southeastern town limit of Middletown. The domestic group consists of a circa 1857 brick dwelling with a two-bay main section and a side wing with a two-story porch. The domestic outbuildings include a deteriorated brick smokehouse, a frame summer kitchen, two chicken houses, and other structures. On the north side of Holter Road is the agricultural group centered on a large frame bank barn of about the same date as the house. The bank barn was burned by arsonists in July 1992 after the survey documentation was completed. Other agricultural buildings include a circa 1923 concrete block dairy barn, a wagon shed/corn crib, a hog barn and two silos. The farmstead represents the agricultural development of Frederick County from principally grain-producing farms in the mid-19th Century to the dairy operations of the 20th Century.

~~In 2007, the Town Code was modified to now require a demolition site plan be reviewed and approved by the Middletown Planning Commission along with the demolition permit application. Although the new regulations represent an increase in public review, they do not prohibit the demolition of a building be it historic or otherwise. Increased development pressure can be expected to be a threat to historic structures and sites as economic considerations may encourage demolition rather than re-use. (See Section 17.32.160, Middletown Municipal Code)~~

Historic Sites and Survey District Map – Figure 4-4

Protection of Historic Structures

~~At a Public Hearing on January 19, 2000 scheduled to review proposals for the creation of historic district(s) in Middletown, negative response from citizens present caused the Town Board to drop the matter and look for alternative ways to protect historic areas and structures by Zoning Ordinances, Building Codes and the use of a conservation district.~~

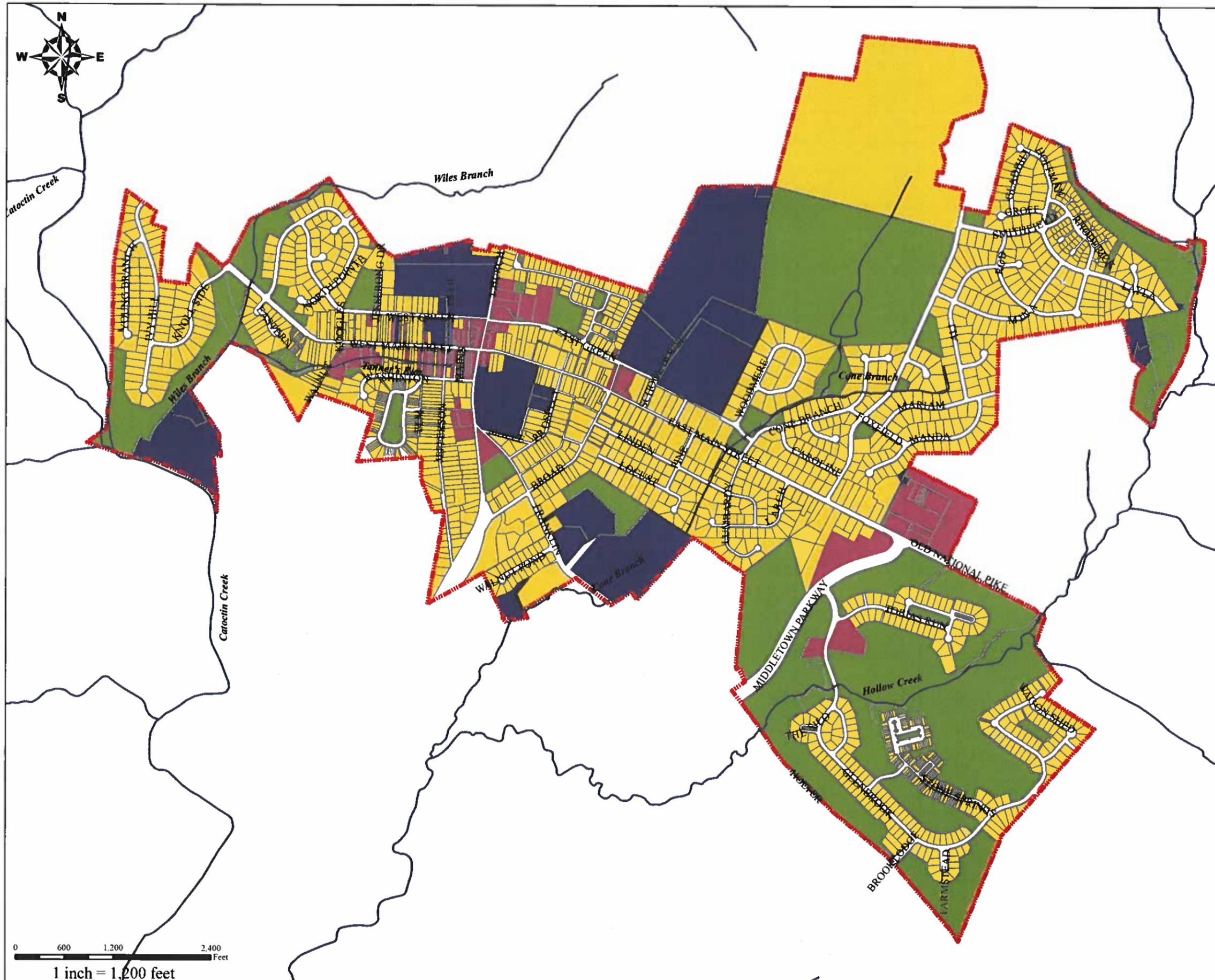
Figure 4-1  
8/18/2020

## Existing Landuse Map Middleton, Maryland



### Legend

- Streams
- Town Boundary
- Landuse**
  - Commercial
  - Institutional
  - Open Space
  - Residential



Source: Frederick County and Middleton Planning Department.



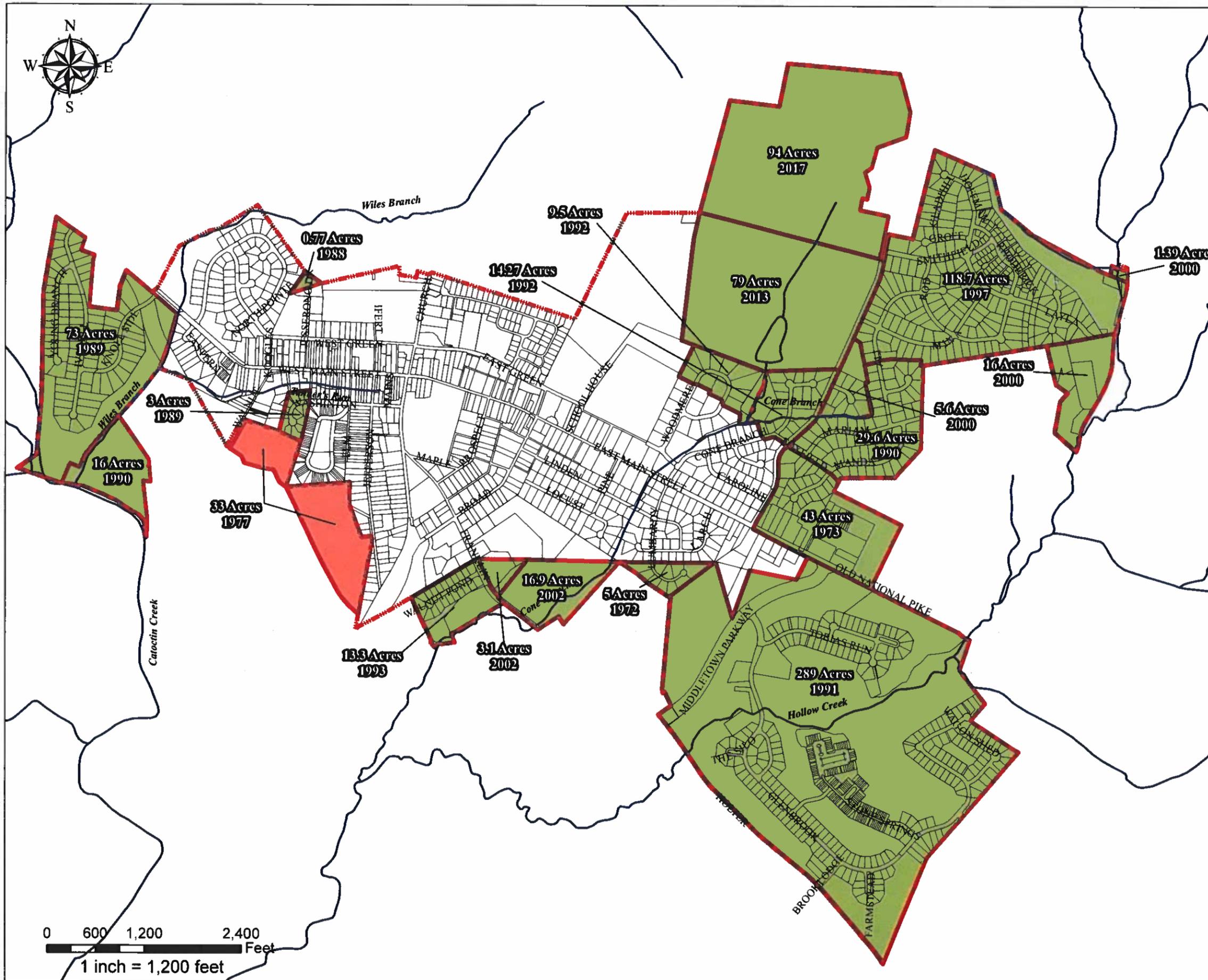
Figure 4-3  
3/13/2020

## Annexations Map Middletown, Maryland



### Legend

-  Streams
-  Town Boundary
-  Parcel
-  Annexation
-  Deannexation



Source: Frederick County and Middletown Planning Department.

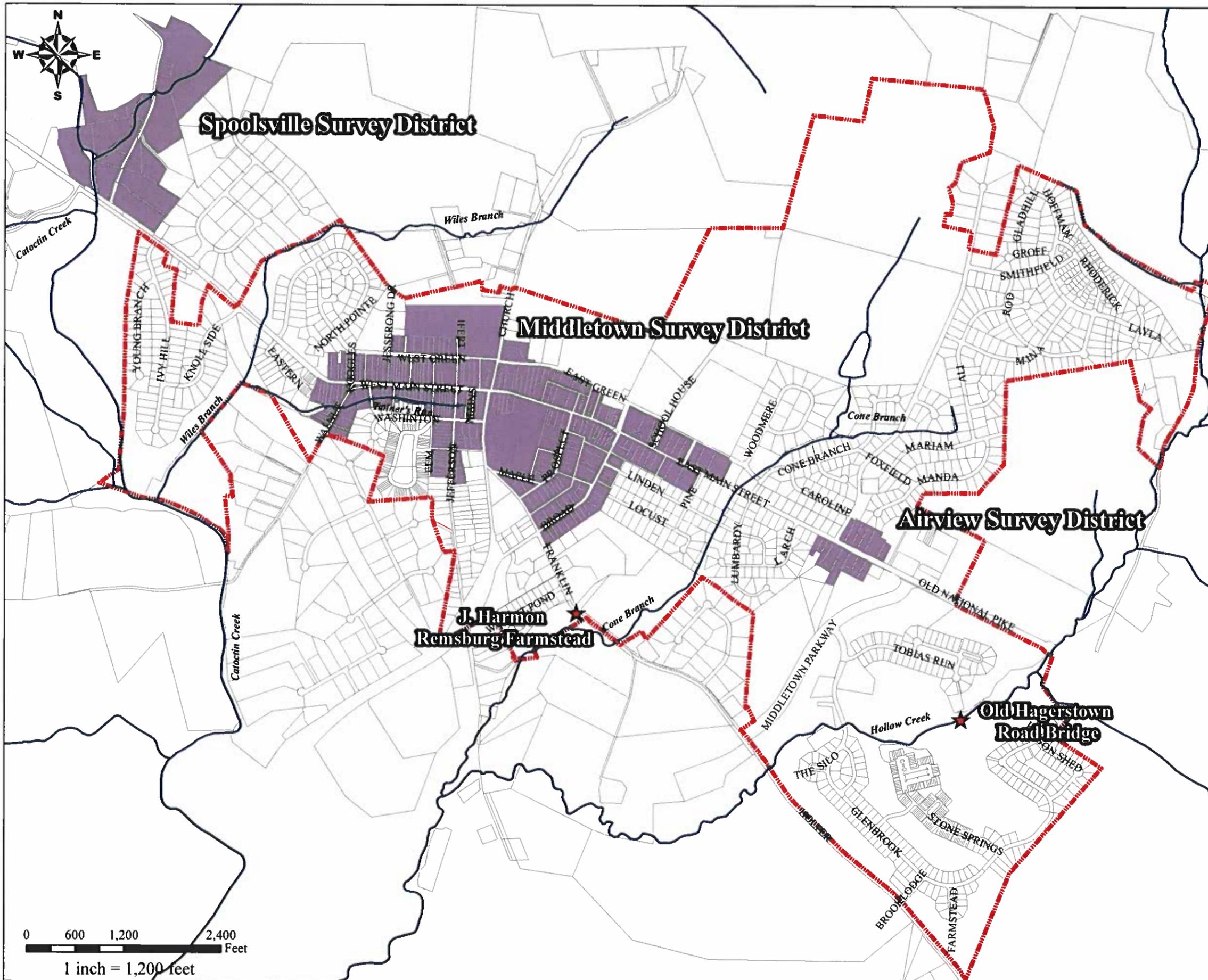
Figure 4-4  
3/20/2020

# Historic Sites and Survey Districts Map Middletown, Maryland



### Legend

- ★ Historic Site
- Stream
- ▭ Town Boundary
- ▭ Parcel
- Historic District



Source: Frederick County and Middletown Planning Department.



**FREDERICK COUNTY GOVERNMENT**

**OFFICE OF THE COUNTY EXECUTIVE**

Jan H. Gardner  
*County Executive*

*Margaret Nusbaum, Chief of Staff*

**RECEIVED**

**AUG 26 2020**

**Town of Middletown**

August 25, 2020

The Honorable John Miller  
Town of Middletown  
31 West Main Street  
Middletown, MD 21769

Dear Burgess Miller:

I am writing to ask that you join Frederick County as we "Go Purple." In September, during National Recovery Month, the County is joining districts around the country to bring awareness to substance use disorder and to reduce substance-related deaths and overdoses.

Please accept this invitation for your community to join us as we Go Purple alongside many other organizations in Frederick County.

**What does it mean to "go purple?"**

1. We are asking that you support this endeavor by declaring the month of September as Frederick County Goes Purple Month in your community.
2. Use purple lighting and signage to highlight municipal buildings.
3. Include important public service announcements about the opioid crisis and prevention in your public meetings or in common areas in your city/town.
4. Encourage businesses and local organizations to decorate their workplace in purple.

Feel free to contact Andrea Walker with our Health Department at [AWalker@FrederickCountyMD.gov](mailto:AWalker@FrederickCountyMD.gov) with any questions.

Thank you for your time and participation.

Kind regards,

Jan H. Gardner  
County Executive

c: Dr. Barbara Brookmyer, Health Officer, Frederick County Health Department  
Andrea Walker, Director, Behavioral Health Services

## **Town Code 13.12.040 – Billing Policies and Procedures**

A.

The provisions in this section are policy procedures only and constitute guidelines which do not create any requirements or standards which, upon non-compliance, will give rise to any claim, cause of action, or basis for non-payment for services rendered. The failure of the town to comply strictly with any of these policy procedures and guidelines is not a waiver or relinquishment of any of the rights of the town to seek payment for water and sewer services rendered nor does such failure create any defense to the obligation of the user to pay for water and sewer services rendered.

B.

Water and sewer bills are issued quarter-annually and mailed in January, April, July and October of each year for water and sewer usage during the preceding three months. All water and sewer accounts will be established in the name of the property owner where service is rendered. Bills are mailed in the name of the property owner to the property address. The town will, however, upon written request by the property owner, mail bills to the property owner to such other address as designated by the property owner and will also mail bills in the name of the property owner but in the care of a designated property management company at that company's address. No accounts will be established and no bills will be mailed in the name of tenants. Late notices, disconnection notices and any other notices will be mailed in the name of the property owner to the property address or to such other address or to such property management company as has been designated by the property owner for the mailing of bills.

C.

Payments of water and sewer bills are due in full on or before thirty (30) days from the date of the bill. Partial payment of bills will not be accepted. All bills may be paid at any of the following locations or in the following manner:

1.

Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland from 8:00 a.m. to 4:00 p.m. Monday through Friday;

2.

Middletown Valley Bank main and branch offices;

3.

BB&T Bank, Middletown branch office;

4.

By mailing payment to the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769.

5.

By on-line banking, if such payment procedure is available through the customer's bank or other financial institution and is compatible with the procedures and billing systems of the town.

D.

Interest on Unpaid Bills. Interest at the rate of one and one-half percent per month shall be charged on and added to the amount of any bill which remains unpaid more than thirty (30) days after the date of the issuance of the bill. Additional interest of one and one-half percent of the amount of the unpaid portion of the bill shall continue to be charged for each month that the bill remains unpaid.

E.

Late Notices. A notice of late payment will be issued for any bill which remains unpaid for more than thirty (30) days after the date of the issuance of the bill. A second notice of late payment and a notice

of disconnection of service will be issued for any bill which remains unpaid for more than sixty (60) days after the date of the issuance of the bill. The notice of disconnection of service will state the date by which payment of the water and sewer bill must be made in full in order to avoid the disconnection of service. No further notices will be provided prior to disconnection of service. Notices will be mailed to the property owner, or if applicable, the designated property management company, at the address to which bills are mailed pursuant to subsection B. The notice of disconnection of service will be mailed by certified mail, return receipt requested. A twenty dollar (\$20.00) administrative fee shall be added to any bill for which a notice of disconnection of service is mailed. An additional administrative fee of twenty dollars (\$20.00) shall be assessed against such bill for each subsequent quarter during which the bill remains unpaid and the water service remains disconnected.

F.

**Disconnection and Reconnection Policy.**

1.

Payment in full of the water and sewer bill must be made prior to the disconnection date stated in the notice of disconnection of service. If payment is presented on the disconnection date stated in the notice of disconnection of service, payment must be paid in cash and/or money order in person at the Middletown Municipal Center by 9:30 a.m. of that date, and if such payment is not received by that time, the disconnection of water service will begin at 10:00 a.m. No service will be disconnected if the balance due on the bill is less than fifty dollars (\$50.00).

2.

For service to be reconnected after disconnection, a reconnection fee must be paid in the following amounts: For a first occurrence—Fifty dollars (\$50.00); for a second occurrence within any twelve (12) consecutive month period—One hundred dollars (\$100.00); for a third or more occurrence within any twelve (12) consecutive month period—One hundred fifty dollars (\$150.00). In order to have service reconnected, the unpaid balance of the bill and the reconnection fee must be paid, in full, by cash and/or money order in person at the Middletown Municipal Center.

G.

**Returned Checks.** A charge will be added to the water and sewer bill for any check which is returned as non-payable for any reason, including but not limited to, non-sufficient funds. The amount of the added charge will be that amount which is charged to the town by the returning bank or financial institution. If a non-payable check submitted in payment of a bill is returned to and received by the town after the date on which the service was to be disconnected as stated in a notice of disconnection of service, then water service will be disconnected immediately without any further notice, including the notices provided for in subsection E.

H.

**Rental Properties.** Property owners are responsible for the payment of any overdue bills, interest charges or disconnection, reconnection and administrative fees, and the town will not seek payment of such expenses from tenants of the property owner.

I.

**Meter Reading.** When a meter cannot be easily and clearly read due to obstructions such as weeds, structures, excavations, animals or other impediments, an estimate of water usage will be made based upon prior usage at that location. In that event, the town will enclose a letter with the following bill requesting that the owner correct the problem prior to the next meter reading. If an obstruction problem remains present at the time of the next reading, an estimate of water usage will again be made based upon prior usage at that location. In that event, the town will mail a letter by

certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) business days in which to correct the problem or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.

J.

Broken Meters. If at the time of reading the meter a meter is not operating and recording no usage, then an estimate of water usage will be made based upon prior usage at that location. In that event, the town will mail a letter by certified mail, return receipt requested with the following bill stating that the property owner has fifteen (15) working days to schedule an appointment for meter repair or the water service will be disconnected. An administrative fee of twenty dollars (\$20.00) will be added to the bill for the cost of the certified/return receipt letter and related administrative costs.

K.

Replacement Meters. If a customer contends that his or her water meter is defective and informs the town of this contention, the town's water and sewer personnel will examine and test the meter. If the meter is greater than ten (10) years old, it will be replaced at no cost to the customer. If the meter is ten (10) years old or less and determined by town personnel to be working properly, the meter will be replaced upon request of the customer, however the customer must pay one hundred dollars (\$100.00) for the cost and installation of the new meter if the manufacturer of the meter confirms that the meter was working properly. If the manufacturer determines that the meter was defective, there will be no cost to the customer.

L.

Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage which is due to a broken pipe or leak in the plumbing on the property, then the Town will allow, for a first such occurrence during a five-year period, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the property owner must submit a written request to the town for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon two times the average of the water usage for the property for the four quarters immediately preceding the high water reading.

In the event that there is a second occurrence within five years of an unusually high meter reading for a same property, then the property owner shall be responsible for the entire water and sewer bill; provided, however, that if it can be demonstrated to the satisfaction of the town that the leaking water did not empty into the town's sanitary sewer system, and therefore did not require treatment at the wastewater treatment facility, then the town may, but is not required to, waive all or some of the sewer portion of the bill.

M.

The town will allow payment plans for financial hardship cases. The terms of the payment plan will be ~~negotiated by the town administrator based upon the financial circumstances of the property owner requesting the payment plan.~~ outlined on the Middletown Payment Plan Form. The minimum requirements of the plan are that outstanding the balance must be paid off within one (1) year. And a minimum requirement of at least a monthly payment.

(Ord. No. 13-03-02, § 1, 3-11-2013, eff. 3-31-2013; Ord. No. 12-08-01, § 1, 8-13-2012, eff. 9-2-2012; Ord. 07-02-01 § 1, 2007; Res. 99-13, 1999)

**DRAFT**



Town of Middletown  
31 West Main Street  
Middletown, MD 21769  
301-371-6171  
**Payment Agreement**

Customer Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No.: \_\_\_\_\_

**Present Balance Due: \$** \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Email: \_\_\_\_\_

I agree to make the payments shown below. I understand that the payments are to be received by the Town of Middletown on or before the dates specified. I also agree to contact the Town if any changes to this agreement are necessary.

Payment Due Date	Amount Due	Amount Paid	New Balance

If this account would otherwise be scheduled for service termination, failure to make payments when due will subject this account to termination without further notice. Failure to make payments when due, will void this agreement and the total account balance will be due.

\_\_\_\_\_  
Town of Middletown Date

\_\_\_\_\_  
Customer Signature Date



## **Procedures for Accounts with Outstanding Balances Over 90 Days Related to the Governor's Prohibition On Water Service Disconnections**

### **PURPOSE**

With the Governor's prohibition on water service disconnects during the Covid pandemic, there are a number of accounts that have substantial outstanding balances. These procedures are being put in place to help inform customers of their responsibilities for their outstanding balance and options available for payment plans if their circumstances warrant it.

### **PROCEDURES**

As it relates to the Covid issue, staff is recommending that once the Governor lifts the prohibition, normal billing procedures will be followed for the second billing cycle after the date the order is lifted. For example, if the order is lifted on August 1, 2020, the billing cycle when we would return to normal billing procedures would be the January Billing Cycle. The reason is that it is highly unlikely that the order would be lifted on the date that coincides with our billing cycles. Meaning that it would happen in the middle of a billing cycle and we have no way to separate the water usage between the use during the prohibition and after.

1. All accounts continue to receive the following bills:
  - a. Initial Bill at beginning of the Quarter (*January, April, July, and October*)
  - b. 2<sup>nd</sup> Late Notice – 60 Days
  - c. 3<sup>rd</sup> Late Notice – 90 Days (*this is normally the disconnect notice sent via Certified Letter*)
2. Any account with an outstanding balance for the 3<sup>rd</sup> Late Notice will also receive a letter informing the customer that they are responsible for their outstanding balance once the Governor's prohibition is lifted and that payment plans are available upon request.
3. Once the Governor's prohibition is lifted, all customers with outstanding balances older than 90 days will receive a Certified Letter from the Town informing them of their outstanding balance. Customers will be notified they have 30 days to either make full payment of the outstanding balances over 90 days or execute a payment plan for the outstanding balance. Those customers that fail to make payment or execute a payment plan will have their water service disconnected.