

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, April 17, 2017
7:00 p.m.

- I. **Public Comment**
- II. Minutes of March 2017 Planning Commission workshop **Approval**
Minutes of March 2017 Planning Commission meeting **Approval**
- III. **Plan Review**
 - Harris Garage Demolition **Review/Approval**
 - School Complex Roadway Improvements FRO Plan **Review/Comment**
 - School Complex Roadway Improvement Plans **Review/Comment**
- IV. **Zoning**
- V. **Miscellaneous**
- VI. **Additional Public Comment**

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

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

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

Workshop

March 15, 2017

The regular workshop of the Middletown Planning Commission took place on Wednesday, March 15, 2017 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission members Mark Carney (Chairman), Tom Catania (Ex-Officio), Bob Miller, David Lake, and Meredith McKittrick. Others present in official capacity: Cindy Unangst (Staff Planner). Other applicant present: Lynn Davis (mobilitie).

MARCH MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Technology MD Network Antenna Facility Plan – Cindy went thru some of her staff report. The applicant, Ms. Davis, explained in more detail how the transport system works, how locations are determined, the fact that they are regulated by the PSC and that Sprint will be using this antenna. Mark stated that he understood the non-disclosure agreement, but asked whether the Planning Commission could be given a copy of a redacted agreement or a letter from Potomac Edison confirming the agreement. The applicant also explained that their engineers are still working on the details of the proposed work and the plans have not been finalized. It was suggested that the plans not come before the Planning Commission until all details have been worked out.

ZONING –

Memar Annexation Plan – The members discussed what might be expected of them from the town board regarding the annexation plan. David Lake suggested that density could be a concern and was certainly under the purview of the planning commission to look at especially in terms of the existing roads. Cindy will provide the cluster development regulations to look at for the meeting on March 20th.

MISCELLANEOUS –

Annual Planning Report – Cindy discussed the changes to the document from last month and specifically the section of protection of historic structures. She again would appreciate any feedback on the Planning Commission Recommendations included in the report.

Workshop adjourned at 8:40pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

March 20, 2017

The regular meeting of the Middletown Planning Commission took place on Monday, March 20, 2017 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Tom Catania (Ex-Officio), Bob Miller, Dixie Eichelberger, Meredith McKittrick and David Lake. Others present in official capacity: Cindy Unangst (Staff Planner).

MARCH MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of February 15, 2017 – Approved as submitted.

Regular Meeting Minutes of February 20, 2017 – Approved as amended.

III. PLAN REVIEW

Technology MD Network Antenna Facility Plan - Chairman Carney stated that he felt that since the plans were withdrawn from this month's agenda, any revised plans submitted should be a new application with the appropriate fees. Commissioner Catania asked whether the PowerPoint presentation that the applicant had referred to during the workshop had been sent as requested, and Cindy responded that she had not received it.

IV. ZONING

Admar Annexation Plan – The Planning Commission members reviewed the annexation plan drafted by the Staff Planner. The ensuing discussion centered on density, traffic and parkland. It was determined that the maximum density for the site using the R-20 proposed zoning would be 186 units. The Planning Commission understands that other considerations would decrease that number, i.e. wetlands, forest conservation areas, etc. The members strongly feel that there will be an impact to area roads with the proposed annexation especially in terms of limited ingress and egress from the property.

Action: After further review, Commissioner Lake moved to submit a memo to the Town Board (after review of document drafted by Staff Planner) outlining the following issues and comments of the Planning Commission:

- A traffic impact study should be completed prior to an annexation agreement being finalized using a maximum density number of 186 dwellings, and the Town should be involved in preparing the assumptions used for the study.
- Coblantz Road should be upgraded to town standards and the ownership of the road should be considered.

- More than one access point for ingress and egress from the property should be required for emergency purposes.
- At least 9.3 acres should be provided of usable open space as determined by the maximum number of units using the R-20 zoning.

The motion was seconded by Commissioner Miller. Motion carried (4-0); Commissioner Catania abstained.

V. MISCELLANEOUS

Annual Planning Report - The Staff Planner reviewed the draft annual report and the planning commission recommendations were discussed. Chairman Carney suggested that the document include a certificate of adoption similar to the one that the Town of Bel Air uses.

Action: Commissioner Miller moved to adopt the Annual Planning Report for 2016 and send it to the Town Board and the Maryland Department of Planning. The motion was seconded by Commissioner Eichelberger. Motion carried (4-0).

Staff Planner Monthly Planning Update – The memo was reviewed and the Staff Planner gave an update to the recent meeting with the owner of the Miller Property and her engineer.

VII. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 8:05pm.

Respectfully submitted,

Cynthia K. Unangst
Staff Planner

Middletown Planning Office

MEMORANDUM

Date: 3/20/2017

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HARRIS GARAGE DEMOLITION SITE PLAN**

Tax Map Parcel #03-141764

Applicant: James Rudy, Rudy Builders & Contractors, Inc.

Property Owner: James A. and Carrie D. Harris

Plan Dated: March 11, 2017

Date Received: March 16, 2017

GENERAL INFORMATION

Proposal: Remove an existing 17'-3" x 27' garage behind the existing home on the property with the purpose of adding an addition to the home and a new 20' x 28' garage towards the rear of property

Location: 204 Prospect Street

Zoning: R-1 Residential

Present Use: Garage

COMMENTS

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

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.
 2. A permit will need to be received from the County for the demolition to occur. Application to the County can take place concurrent with the site plan approval process by the Planning Commission.
 3. An aerial photograph of the garage to be demolished (with an X) is shown below along with a few attached photos. A site plan that shows the location of the garage to be demolished is also attached.
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4. It is staff's understanding that letters were sent to the adjacent property owners informing them of the proposed demolition and a copy of that letter has been submitted. The property has been posted.
5. All demolitions and post demolition restoration shall be completed with ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Demolition Site Plan conditional on County approval and the demolition work being completed within 90 days.

This review will be included in the Middletown Planning Commission materials for the April 17, 2017 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 12, 2017.

cc: James and Carrie Harris
James Rudy, Rudy Builders & Contractors, Inc.

James A. Harris
Carrie D. Harris
204 Prospect Street
Middletown, MD 21769

March 11, 2017

We respectfully address the Town of Middletown Planning Commission and ask for your review of this application to remove a dilapidated garage on our property. The removal of this garage is required for the purpose of clearing space that is needed for an addition to our home, as well as a new garage and paved driveway.

The 17.5' x 27' structure is evident in the photo appendix attached. Our intentions for this property improvement include:

1. We, the homeowners, will perform the demolition of this structure down to the foundation/grade.
2. All demolition will be accomplished using hand tools.
3. No explosives or incendiary devices will be used for demolition. No cranes, backhoes or other vehicular equipment will be employed.
4. There are no utilities connected to the structure.
5. When the footings and foundation are prepared for the home addition, the footings and slab from the garage will then be removed by the excavator and disposed of appropriately.
6. The current garage location will then become a portion of a new driveway leading to a new garage.
7. All yard areas will be restored to grass when the home addition project's exterior is complete.
8. Planned demolition safety precautions include:
 - Safety cones and caution tape to sufficiently surround the work area.
 - Use of personal protective gear, as appropriate.
9. Notification of the planned demolition has been made to the following surrounding neighbors. A copy of the notification letter is attached:

Mr. Kenneth Smith
Ms. Ellen Smith
202 Prospect Street
Middletown, MD 21769

Mr. Wayne Geisbert
Ms. Cindy Geisbert
206 Prospect Street
Middletown, MD 21769

Mr. Richard Maiello
119 Prospect Street
Middletown, MD 21769

Mr. Kevin Bennett
Ms. Kelly Bennett
121 Prospect Street
Middletown, MD 21769

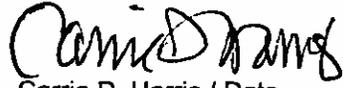
James A. Harris
Carrie D. Harris
204 Prospect Street
Middletown, MD 21769

Mr. Thomas Lehan
Ms. Kathleen Lehan
207 Broad Street
Middletown, MD 21769

Mr. Fred Burrier
209 Broad Street
Middletown, MD 21769

Assuming approval for demolition is received as of 17Apr17, we wish to proceed immediately, proposing that the demolition will occur between 19Apr17 and 30Apr17. Demolition is expected to be complete on or before 30Apr17.

 3/11/17
James A. Harris / Date

 11 Mar 2017
Carrie D. Harris / Date

James A. Harris
Carrie D. Harris
204 Prospect Street
Middletown, MD 21769



Garage front



Garage rear



Garage side



Garage side

James A. Harris
Carrie D. Harris
204 Prospect Street
Middletown, MD 21769

March 11, 2017

Mr. Kenneth Smith
Ms. Ellen Smith
202 Prospect Street
Middletown, MD 21769

As required by the Town of Middletown, we wish to inform you that we will be removing a dilapidated garage from our property. Our intentions for this property improvement include:

- We, the homeowners, will perform the demolition of this structure down to the foundation/grade.
- All demolition will be accomplished using hand tools.
- No explosives or incendiary devices will be used for demolition. No cranes, backhoes or other vehicular equipment will be employed.
- Planned demolition safety precautions include:
 - Safety cones and caution tape to sufficiently surround the work area.
 - Use of personal protective gear, as appropriate.

Our demolition proposal will be reviewed by the Middletown Planning Commission on Monday, April 17 at 7:00 pm in the Middletown Municipal Building located at 31 West Main Street. Pending approval, the demolition is planned to occur between 19Apr17 and 30Apr17, and is expected to be complete on or before 30Apr17.

Sincerely,

James A. Harris / Date

Carrie D. Harris / Date

Middletown Planning Office

MEMORANDUM

Date: 4/4/2017

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN SCHOOL COMPLEX FRO PLAN REVIEW**

Tax Map Parcel #03-101, 03-102

Applicant: Tim Kellerman, Triad Engineering, Inc.

Property Owner: Board of Education of Frederick County

Plan Dated: February 21, 2017

Date Received: March 24, 2017

GENERAL INFORMATION

Proposal: roadway improvements to Schoolhouse Drive and Middletown School Campus, including widening a portion of Schoolhouse Drive, improving vehicular circulation with the separation of buses from passenger cars, sidewalk additions and improvements, additional lighting, signing improvements and the addition of stormwater management facilities.

Location: Middletown School Complex and Schoolhouse Drive

Zoning: OS

Present Use: School complex with existing roadways and parking lots

COMMENTS

The following issues should be considered in your review of this Forest Stand Delineation Plan and Preliminary/Final Forest Conservation Plan:

1. **Middletown FRO program** – While there are no regulations per the Town Code that specify that the Planning Commission is to review roadway plans, the Town Administrator determined that the Planning Commission ought to review these plans for additional feedback from the Town's point of view. Due to the fact that almost 6 acres of grass area are being impacted by the proposed roadway improvements to the school complex, the applicant is proposing to meet the forest conservation mitigation requirement by proposing a portion of an existing forest stand near the Middletown Middle School be protected with a long term forest conservation easement. The forest conservation worksheet shows the afforestation planting mitigation to be 0.90 acres, which is correct given the net tract area of 5.99 acres. The proposed forest retention area 'A' of 0.90 acres is the densest area of the 1.52 acre forest stand as seen in the photo below on the left.



2. **Specimen tree** - Near the proposed Forest Retention Area 'A' is a specimen eastern cottonwood tree (shown above on the right) that is currently ranked 2nd in the state in the Maryland Big Tree program. The applicant proposes to distinguish this tree with a specimen tree sign.

3. **Review by Maryland Department of Natural Resources** – The plans have been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

RECOMMENDATION

Staff recommends that the Planning Commission support the FRO Plan for this development plan.

This review will be included in the Middletown Planning Commission materials for the April 17, 2017 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 12, 2017.

Cc: Tim Kellerman, Triad Engineering, Inc.
Brad W. Ahalt, Frederick County Public Schools
Board of Education of Frederick County

Middletown Planning Office

MEMORANDUM

Date: 4/6/2017

Hansen# 17370

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN SCHOOL COMPLEX IMPROVEMENT PLAN REVIEW**

Tax Map Parcel #03-101, 03-102

Applicant: Redeat Lodamo, Brudis & Associates, Inc.

Property Owner: Board of Education of Frederick County

Plan Dated: March 2017

Date Received: March 24, 2017

GENERAL INFORMATION

Proposal: roadway improvements to Schoolhouse Drive and Middletown School Campus, including widening a portion of Schoolhouse Drive, improving vehicular circulation with the separation of buses from passenger cars, sidewalk additions and improvements, additional lighting, signing improvements and the addition of stormwater management facilities.

Location: Middletown School Complex and Schoolhouse Drive

Zoning: OS

Present Use: School complex with existing roadways and parking lots

COMMENTS

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

1. **Planning Commission's review** – While there are no regulations per the Town Code that specify that the Planning Commission is to review roadway plans, the Town Administrator determined that the Planning Commission ought to review these plans for additional feedback from the Town's point of view.
2. **Lighting plan** – The lighting plans are shown on Sheets CP1.1-1.3 and E1.1-1.3 and E2.0. The photometric plans only show the foot-candle measurements for the parking lots and roadways within the school complex. Typically photometric plans shows the foot-candle measurements for all developed areas out to and sometimes past the lot line. While there is no need to show the foot-candle measurements for the entire school complex, it might be useful to show the measurements where they might impact neighboring properties. Nowhere on the site lighting plans (E1.1-1.3) is there any indication of how tall the proposed light poles will be. The applicant should ensure that

there will be compliance with all regulations of the Town's Outdoor Lighting ordinance (Chapter 17.32.245).

3. **Landscape plan** – The prior landscape schedule which included ash trees has been revised to omit them and replace them with London Plane Trees. The revised plan also shows three less shrubs than what was shown on the site plan submission.
4. **Stormwater management** – Stormwater management for this project has preliminary approval by Frederick County. Environmental Site Design to the Maximum Extent Practicable is proposed to be implemented through the use of a bioswale and microbioretention facilities. County Public Works reviewers gave conditional approval to the concept plans on June 2, 2016.
5. **Review by Town Engineer, Bruce Carbaugh** – The plans have been provided to the town engineer for review.
6. **Review by ARRO, Town Consulting Engineer** – Based on previous comments from ARRO, pedestrian crosswalk signs have been provided at each approach to the intersection of East Green Street and Martha Mason Drive. One of the new comments received by ARRO was the suggestion that a WB-40 wheel path exhibit be provided to verify trucks can navigate the entrance and driveways for full access to the building and parking areas.
7. **Prior Planning Commission suggestions** – It was previously suggested that an additional walkway be added to the elementary school from the new sidewalk on the west side of Schoolhouse Drive, which has been added to these improvement plans. It had also been suggested that lighting for the walkways from the new Middletown Glen development be considered as well. That suggestion has not been shown on the improvement plans. In relation to the proposed sidewalk connections to the Middletown Glen property, Sheet C-16 does not show a proposed sidewalk connector to the proposed concrete sidewalk along the west side of the driveway near the orthodontist office as Sheet SP-1 did in the site plans. Staff would like to see that sidewalk connector shown again.

RECOMMENDATION

Staff recommends that the Planning Commission support the Middletown Campus Roadway Improvements Plan with the incorporation of any comments and recommendations from town staff and the town's consulting engineer to the Town Board.

This review will be included in the Middletown Planning Commission materials for the April 17, 2017 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 12, 2017.

Cc: Redeat Lodamo, Brudis & Associates, Inc.
Brad W. Ahalt, Frederick County Public Schools
Board of Education of Frederick County

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/3/2017

RE: Monthly Planning Update - April

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
Final Plats conditionally approved – November 17, 2014
Plats 1 & 2 recorded at Courthouse – May 17, 2016
FRO planting at Remsberg Park completed – February 2017
Plat 3 recorded at Courthouse – March 1, 2017
Next step – record additional final plats

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Building permit for Building #3 applied for – June 24, 2016
Next step – submit architectural renderings for buildings #2 and 4 for review/approval

Fire Station – BOA approved height variance request - October 20, 2016
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)
Demolition plans conditionally approved – December 19, 2016
Improvement Plans conditionally approved – December 19, 2016
Final plat recorded at Courthouse – February 7, 2017
Next steps – submittal of PWAs for approval and apply for building and grading permits

Franklin Commons - Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)
FRO plan conditionally approved – January 19, 2015
Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)
Mylars signed – January 4, 2016
Next step – submittal of PWAs for approval and apply for building and grading permits

Harris Garage demolition plans – submitted to PC for review/approval – March 16, 2017

Caroline's View/Horman Apartments- 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)
Currently approved SWM plans remain valid until May 4, 2017
Mylars signed – September 11, 2015

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

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA hearing for variance requests (approval received) – March 29, 2016 (**Expired 3/29/17**)

SWM plans submitted to SCD and Frederick County – December 5, 2016

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

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010

Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Next step – submit improvement plans for review/approval

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

Site Plan reviewed by PC – May 16, 2016

Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

Next step – submit improvement plans for review/approval

School Complex roadway plans – Improvement plans and FRO plans submitted for review and approval – March 24, 2017

Technology MD Network Company permit application – withdrawn – March 15, 2017

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 – annexation petition sent to PC by Town Board – January 9, 2017

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

Text Amendments:

Reports: Annual Planning Report – approved by PC – March 20, 2017

Grants: MEA Smart Energy Communities grant application – submitted February 16, 2017

Meetings: Next Middletown Green Team Meeting – April 19, 2017

Next Joint town board/planning commission workshop – June 5, 2017