



AGENDA FOR THE TOWN MEETING

August 27, 2018

7:00 p.m.

PLEDGE TO THE FLAG

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Link to Additional Information

CALL TO ORDER

PUBLIC HEARINGS

Capital Improvements Program (CIP) Budgets

- [General Fund](#)
- [Water & Sewer Fund](#)

CONSENT AGENDA

- Town Meeting Minutes
 - [August 2, 2018 – Town Workshop](#)
 - [August 13, 2018 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Discussion of Establishing Petition Procedures](#)
- [Recommendation on Microbrewery Text Amendment](#)

NEW BUSINESS:

PUBLIC COMMENTS:

ANNOUNCEMENTS:

- *Public Hearing on Capital Improvements Fee Increase – Thursday, September 6, 2018 at 7:00PM*

ADJOURNMENT

**CIP Showing
Road Project Using TCS**



BURGESS AND COMMISSIONERS OF MIDDLETOWN

**GENERAL CAPITAL IMPROVEMENT BUDGET
FY 2019 - FY 2023**

	FY '19	FY '20	FY '21	FY '22	FY '23
INCOME					
CASH RESERVES	\$346,150	\$104,713	\$341,086	\$311,939	(\$228,281)
INTEREST INCOME	\$865	\$262	\$853	\$780	(\$571)
IMPROVEMENT FEES	\$241,500	\$129,500	\$7,000	\$7,000	\$217,000
OPERATING INCOME From Previous Years	\$299,658	\$419,612	\$450,000	\$475,000	\$500,000
COMMUNITY LEGACY GRANTS	\$64,000				
PROGRAM OPEN SPACE and Community Parks & Playground	\$36,900	\$54,000			
SUB-TOTAL	\$989,073	\$708,086	\$798,939	\$794,719	\$488,148
PROJECTS					
Highways & Streets					
SHA Streetscape Lighting	\$175,000	\$120,000			
Boileau Court - TCS					
Broad Street Reconstruction - Three (3) Phases					
Broad Street - Phase I (Utilities - Stormdrain, Waterline, Sewerline)					
Broad Street - Phase II (Road Reconstruction Lower Section of Broad Street)	\$65,000		\$325,000		
Broad Street - Phase III (Road Reconstruction from East Main Street to Linden Blvd)	\$46,000			\$285,000	\$614,000
Cone Branch Drive & Court - TCS					\$100,000
Elm Street - TCS	\$25,000				
Elm Street Parking Lot Upgrades - TCS (Reconfiguration and Paving)	\$90,000				
Franklin Street - Mill & Overlay (Broad to Walnut Pond Court)				\$172,000	\$269,000
Ivy Hill Drive - TCS					\$100,000
Knoll Side Lane - TCS					\$35,000
Linden Blvd. (Broad Street to Pine Street)		\$30,000		\$379,000	
Linden Blvd. Culvert Replacement					
Martha Mason Drive - TCS		\$10,000			
Manda Drive - TCS	\$95,000				
Manda Court - TCS	\$52,000				
Prospect St. (Road Reconstruction)		\$60,000			\$531,000
Schoolhouse Drive - TCS					\$30,000
Washington Street Retaining Wall	\$25,000				
Foxfield Swale Reconstruction	\$15,000				
Recreation & Culture					
Rensberg Park - Walking Trail Paving (90% Grant; POS 10%)	\$25,000				
Cone Branch Walking Trail - Benches (90% Grant; POS 10%)	\$6,500				
Walking Trail Signage (90% Grant; POS 10%)	\$5,000				
Wiles Branch Park Pavilion - Picnic Benches (90% Grant; POS 10%)	\$4,500				
Foxfield Walking Trail - Extension to Hollow Creek (90% Grant; POS 10%)	\$25,000	\$60,000			
Belfco Sift Seeder - Field Maintenance	\$8,000				
General Services Administration & Operations					
Municipal Center - HVAC Replacement	\$60,000				
Municipal Center - Boiler Replacement to Natural Gas	\$35,000				
Municipal Center - ADA Improvements	\$30,000				
Street Pretreatment Equipment - Snow Removal	\$60,360				
Maintenance Facility at East WWTP			\$125,000		\$125,000
Information Technology - Computers, Servers, Phones, Data Backup & Recovery Systems	\$37,000	\$37,000	\$37,000	\$37,000	\$37,000
Subaru Forester Replacement	\$30,000				
Dump Truck Replacement				\$150,000	
SUB-TOTAL	\$884,360	\$367,000	\$487,000	\$1,023,000	\$1,841,000
SURPLUS/(DEFICIT)	\$104,713	\$341,086	\$311,939	-\$228,281	-\$1,352,852

ALL IMPROVEMENT FEES TRANSFERRED TO GENERAL FUND

	Burgess and Commissioners of Middletown Water & Sewer Capital Improvement Program FY 2019 - FY 2023				
	INCOME	FY '19	FY '20	FY '21	FY '22
CASH Reserves	\$538,119	\$424,438	\$287,204	\$95,787	\$17,328
DEBT SERVICE FEE - NEW HOMES	\$156,000	\$162,900			
CAPITAL IMPROVEMENT FEE	\$168,966	\$178,800	\$341,900	\$342,100	\$342,300
Inflow & Infiltration - Reserve Account	\$50,000		\$300,000		
Sludge Removal - Reserve Account	\$35,000			\$35,000	
Land Leases	\$193,271	\$201,002	\$209,042	\$217,404	\$226,100
Tap Fees (See Growth Projections)	\$621,000	\$333,000	\$18,000	\$18,000	\$558,000
BRF Grant					\$1,000,000
Main Street Waterline Loan (Total Loan Amount \$2,850,138.95)	\$1,780,968				
Reservoir Tank Loan (Total Loan Amount \$1,772,603.24)		\$750,000	\$1,022,604		
Total Revenue	\$3,543,324	\$2,050,139	\$2,178,749	\$708,290	\$2,143,727
Debt Service					
EAST WWTP LOAN	\$241,265	\$239,265			
MAIN STREET WATERLINE LOAN	\$77,842	\$156,523	\$156,523	\$156,523	\$156,523
RESERVOIR TANK LOAN	\$6,798	\$12,815	\$97,347	\$97,347	\$97,347
DEVELOPMENT PROJECTS					
Brookridge WTP (Loan Payments)	\$195,314				
Outstanding Balance - Last Year \$370,314					
Total Debt Service	\$521,219	\$408,603	\$253,870	\$253,870	\$253,870
Net Income	\$3,022,105	\$1,641,537	\$1,924,879	\$454,420	\$1,889,857
Projects					
SYSTEM UPGRADE PROJECTS					
WATER SYSTEM					
Main Street Waterline Program	\$1,780,968				
Well Field - Power Quality Monitor PQube3	\$10,500				
Reservoir Improvements - Piping and Future Tank	\$104,000	\$750,000	\$1,250,000		
Linden Blvd Utilities			\$57,000		
SCADA Control System	\$50,000				
Booster Station - Replace Starters with VFD's	\$15,000	\$125,000			
Booster Station - Rebuild Pump #4	\$15,000				
Booster Station - Process Piping Replacement	\$10,000	\$50,000			
Booster Station - Roof Replacement/Building Painting				\$5,000	
PRV Vault Pipe Painting and Cleaning	\$9,000				
InHance Billing Software Upgrade	\$37,000				
Water Meter Replacements	\$41,200	\$34,333	\$22,093	\$22,093	\$15,642
WASTEWATER SYSTEM					
West WWTP - Curtain Replacement	\$25,000	\$80,000			
West WWTP - Plug Valve Replacement Micro Strainer Bldg	\$5,000	\$15,000			
West WWTP - New Chemical Storage Structure	\$85,000				
Upgrade of West WWTP (Possible Future)				\$175,000	\$1,550,000
East WWTP - Bar Screen Refurbishment		\$60,000			
East WWTP - Dewatering Solution Sludge Tank - Engineering	\$15,000	\$25,000			
East WWTP - Influent Flume & Ultrasonic Meter	\$20,000				
East WWTP - Enclose UV Lights Area		\$15,000			
East WWTP - Sludge Removal Reed Beds	\$35,000			\$35,000	
East WWTP - Sludge Mag Meter	\$15,000				
Vactor Trailer & Excavator	\$75,000				
Inflow & Infiltration	\$50,000		\$300,000		
Total Projects	\$2,397,668	\$1,154,333	\$1,629,093	\$237,093	\$1,565,642
Total Project Costs	\$624,438	\$487,204	\$295,787	\$217,328	\$324,215
CAPITAL IMPROVEMENT RESERVE ACCOUNT	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Surplus / Deficit	\$424,438	\$287,204	\$95,787	\$17,328	\$124,215
Capital Improvement Reserve Account 5 Year Total	\$1,000,000				

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

WORKSHOP MEETING

August 2, 2018

The workshop meeting of the Burgess and Commissioners of Middletown was called to order on August 2, 2018, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Christopher Goodman, Rick Dietrick and Tom Catania.

PUBLIC HEARING

Ordinance 18-06-01 – An Ordinance to amend the requirements for a demolition permit; to allow demolition of certain structures under 500 square feet with the authority of the Zoning Administrator – Cindy stated that these changes incorporated the recommendations from the previous zoning administrator. Demolition of a structure less than 500 square feet and not considered a contributing resource to the Middletown Historic District would only require review and approval by the zoning administrator. Demolition of a structure identified as a contributing resource to the Middletown Historic District and/or 500 square feet or larger in size would still be required to go before the planning commission.

Bob Smart, 7525 Coblentz Road, stated that this amendment was a very good measure which decreases the wait time for demolitions and ultimately encourage residents to obtain a demolition permit.

Ordinance 18-06-02 – An Ordinance to amend the use of storage containers within the Town; to authorize the zoning administrator to establish conditions of use and to authorize the use of storage containers in the Town Commercial (TC) and General Commercial (GC) zoning districts – Cindy reviewed the proposed changes to the Town Code. There was no public comment.

Both ordinances will be voted upon at the next Town Board meeting scheduled August 13, 2018.

The public hearing was adjourned at 7:15pm.

STAFF REPORTS:

Community Deputy Report - DFC Hewitt gave the deputy report for July.

Staff Planner Report – Cindy gave report

Engineers Report – Bruce gave his report.

Main Street Manager Report – Becky gave her report.

UNFINISHED BUSINESS:

Review of General Fund Capital Improvements Program (CIP) Budget – The proposed General Fund CIP Budget was reviewed. Projects were prioritized and placed in projected budget years. The Town Engineer included projects that utilized alternative methods for completion which would decrease costs but address infrastructure maintenance. Tar Chip and Fog Sealing (TCS) will be used on identified streets. Public education and awareness for town residents will be implemented. Options for addressing projected budget deficits in the out-years was discussed. This budget will be voted on in September.

Request for a Waiver of the Water Service Connection Policy for 116 West Main Street – Drew reviewed the property owner’s requested waiver to the Town’s water service connection policy. This request was reviewed by the Water and Sewer Committee which recommended no change to the current policy, but suggested an exception or agreement allowing separate billing to the tenant to continue as is. Commissioner Bussard stated that allowing this exception would open the door to others requesting the same type of waiver. Drew stated that this is coming before the board because of the installation of the new water main. To date, two other properties have had to change their service to meet the policy. Commissioner Goodman stated that the town should stick with the policy as it is currently written.

Discussion of Establishing Petition Procedures – Burgess Miller reviewed the proposed draft petition guidelines for the Town. These are based on Maryland state law on petition guidelines. Commissioner Falcinelli noted that there was no definition of what a petition circulator is.

Recommendation on the Microbrewery Text Amendment – to be discussed at the Joint Town Board/ Planning Commission meeting on August 6, 2018.

Parking Concerns on Tobias Run Court – Drew stated that a letter was sent to the Glenbrook HOA alerting them to the fact that residents are parking in posted no parking areas along Tobias Run and parking along the entrance into Tobias Run Court. Emergency access to Tobias Run Court is severely restricted because of this. Drew is working with the HOA for a resolution to this problem.

REPORT OF COMMITTEES:

WATER & SEWER – no report

PUBLIC WORKS – no report

SUSTAINABILITY – no report

PLANNING COMMISSION – no report

PARKS and RECREATION – no report

PUBLIC INFORMATION – no report.

NEW BUSINESS:

Review of Zoning Administrator Job Description – The Town Board has a copy of the proposed job description for review. This position will be advertised once approved.

COMMENT: None.

ANNOUNCEMENTS:

- *National Night Out – Tuesday, August 7, 2018 from 6:00pm to 8:00pm at the Middletown Carnival Grounds.*

Workshop adjourned at 9:10pm.

Respectfully submitted,

Annette Alberghini
Town Receptionist

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

August 13, 2018

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on August 13, 2018, by Burgess John Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Jennifer Falcinelli, Tom Catania, and Chris Goodman.

CONSENT AGENDA

Financial Statements

Town Meeting Minutes – July 23, 2018 – Town Meeting

Commissioner Catania motioned to accept this consent agenda as presented, seconded by Commissioner Bussard and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:

Ordinance 18-06-01 – Amendments to the Demolition Ordinance Requirements – Motion by Commissioner Bussard to approve Ordinance 18-06-01 as presented, seconded by Commissioner Falcinelli. Motion carried 6-0.

Ordinance 18-06-02 – Amendments to the Storage Container Ordinance Approval Requirements – Motion by Commissioner Catania to approve Ordinance 18-06-02 as presented, seconded by Commissioner Dietrick. Motion carried 6-0.

Review of General Fund Capital Improvement Program (CIP) Budget – Burgess Miller presented the Commissioners with two different budgets one with mill overlay and one with TCS (tar chip & seal). Burgess Miller stated that with the TCS it saves the Town several million dollars in street projects. Public hearing scheduled for Monday, August 27, 2018 at 7pm., with a vote on September 6, 2018.

Request for a waiver of the water service connection policy for 116 West Main Street – no action taken on this. Policy will remain as stated 1 meter to 1 property.

Discussion of establishing petition procedures – Burgess Miller stated that there is a move afoot to de-annex a 94-acre parcel that the Burgess & Commissioners approved to annex back in April 2018. This property is located off Coblenz Road next to the Middletown Community Park. Burgess Miller stated that it would behoove us to have petition procedures in place, so we can validate the signatures. Burgess Miller stated that we recently had a group called Concerned Citizens of Middletown collect signatures on a petition to bring the annexation to a referendum vote. Unfortunately, the group did not get the required number of signatures which was 722 (20% of the electorate), the group only gathered 646 signatures. After failure to take the issue to referendum, the Concerned Citizen Group have indicated a desire to alter the Town Charter and in essence “detach” the annexed property from the Town, a process that also requires a successful petition and a referendum vote.

Town attorney John Clapp was in attendance to answer any questions and gave us an overview on how the process works on the legal side. Mr. Clapp stated there is not much in the state code that discusses de-annexation. Mr. Clapp stated that a municipality does not have to follow the state law, they can have their own procedures.

David Lake, 24 East Green Street – stated that he did some research on this and could not find much in the MD State law to address this. Mr. Lake stated that he found a document on the Maryland Municipal League website that referred to de-annexing land by a charter amendment.

Jane Weir, 27 East Main Street – stated that the Concerned Citizens Group collected 646 signatures to bring this to a referendum vote, unfortunately we failed to get the required number of signatures to bring to referendum. Ms. Weir stated that the Burgess & Commissioners should be listening to the will of its residents. Ms. Weir stated that she felt by the gathering of 646 signatures was a gift from the community. Ms. Weir stated that it is not their intention to work against the Town but rather to provide the Town with information to you who are elected to serve us to learn what we want.

Ed Berger, 27 East Main Street – stated that there should be a limited time for the vote to occur if a petition was submitted with the appropriate number of signatures was submitted. Mr. Berger also stated that if you believe that the other 85% of residents agree with this annexation, then have the vote otherwise, we see this as a barrier to hearing what the people have to say.

Bruce Dzielinski, 7769 Coblentz Road – stated that electronic signatures are acceptable in the State of Maryland according to their website. Mr. Dzielinski encouraged the Burgess & Commissioners to accept contemporary methods of collecting signatures. Burgess Miller expressed concerned over how such signatures could be validated. Mr. Dzielinski also expressed concern that a referendum coming out of a successful petition would be pushed to the next general election, rather than a more expedited special election. Mr. Dzielinski stated that he was here to witness the Town staff reviewing the signatures and he thanked the Town staff for all their work in trying to validate all signatures collected.

Elizabeth Bauer, 8097 Geaslin Drive – stated that although she lives outside the Town limits she is apart of the Concerned Citizens of Middletown because she feels this development will impact the roads, schools, etc. Ms. Bauer stated that we should be collaborating and not fighting over this. Ms. Bauer stated that if the referendum is not voted on until the next general election the energy dies down and that the voters focus on the candidates and not the referendums. Commissioner Falcinelli stated that our meetings are open to the public and we invite you to come and be apart of the process. What you see here is a draft. The annexation was on the table for fifteen months. We begged people to come voice their concerns but, when you come in at the last minute, you miss the whole fifteen months and all the issues that are considered. Commissioner Falcinelli stated that just because we don't agree doesn't mean we don't value what you have to say.

Bob Smart, 7525 Coblentz Road – stated that he too was present to witness the Town staff laboring over the validation of the petition signatures and he too felt that the staff gave every opportunity to validate the signatures rather than throw them out. Mr. Smart stated that this is a general process and must fully follow the State procedures. Mr. Smart stated that if someone wanted to put a petition out for referendum sooner than the next general election then they make that apart of the petition. Mr. Smart also stated that people get upset when things are approved yet this was on the agenda for 15 months before the Board approved it and no-one had any objection to it then.

Commissioner Dietrick stated that he voted against the annexation but, looking at this from the developer side he will have put time and money into this process, and you are asking him to wait 1-2 years to see if he can develop his property or not. Commissioner Dietrick stated that this is not fair to the developer as he has property rights.

Commissioner Goodman stated that we can't just set this up for a vote with only 18% of signatures. Mr. Clapp stated that would set you up for a law suit that you would lose miserable, the property owner has rights too.

Burgess Miller thanked all who came out tonight and voiced their opinions and concerns. This will be on the next agenda for further discussion.

Recommendation on Microbrewery Text Amendment – Burgess Miller stated that he was unable to attend the Joint meeting between the Planning Commission and the Commissioners. There are two (2) options we can add microbreweries as a special exception use in the TC district or add microbreweries as

an already approved use in the TC district under the fabrication, light assembly and storage uses. Cindy stated that the Planning Commission is acceptable with either proposal.

Commissioner Falcinelli stated that if we make it a special exception the adjoining property owner are notified of what is being proposed. Burgess Miller stated that we could make that a condition when the Town receives an application for a proposed business that is acceptable in the TC district that we notify the adjoining property owners to make them aware of what is being proposed. The Board will decide at the August 27, 2018 meeting on how they wish to include microbreweries in the zoning code.

Parking concerns on Tobias Run Court - Burgess Miller stated that we received a concern from a resident on Tobias Run Court that with the parking of vehicles along the road entering in the Court emergency vehicles cannot get through if needed. Bruce Carbaugh inspected this and concluded that if cars are in fact parked along the street leading into the Court emergency vehicles could not get through. The Town will be placing no parking signs on both sides of the street. If this continues to be an issue, then the Town will paint the curb yellow.

REPORT OF COMMITTEES:

WATER & SEWER – Commissioner Falcinelli reported:

Water use for July – 325,311 gal., spring flow for July – 133,855, East WWTP treated 288,000 gals. and the West WWTP treated 260,000 gals.

I&I Walnut to Jefferson Street – proposal received and executed. Kick off meeting held on 7/12/18.

Waterline project along Main Street – they are in the 200-300 block of West Main Street currently 70% complete. Next phase is from Elm Street to Jefferson Street.

Reservoir Project – Final report Phase 1 forthcoming and Phase 2 has begun. Finalization of the Phase 1 will be with a decision on the type of tank the Town wishes to construct. Staff has visited both style of tanks and has provided photographic review to Water & Sewer Committee.

PUBLIC WORKS – Commissioner Bussard reported:

Guys have been re-striping parking lots and cross walks, trimming tree and shrubs, and repairing valve bolts in water lines.

SUSTAINABILITY – Commissioner Dietrick reported:

Green Talks to be held Thursday, August 16 at the Middletown Farmer's Market from 5-6pm. – Cooking with Local Produce.

Next meeting is Wednesday, August 15th at 5pm.

PLANNING COMMISSION – Commissioner Catania reported:

Workshop on Wednesday, August 15th and regular meeting on Monday, August 20th at 7pm.

Commissioner Catania stated that on the agenda is Thomas More Academy wants to add 2 temporary 20x20 buildings.

PARKS AND REC. COMMITTEE – Commissioner Goodman reported:

Commissioner Goodman stated that he had a request to get a cost on a 4-tier bathroom to see if the MVAA would be interested in splitting the cost.

PUBLIC INFORMATION – Commissioner Falcinelli reported:

Community Meetings will be held on the following dates:

- September 6, 2018 at 6pm. at Remsberg Park

Commissioner Falcinelli also encouraged everyone to sign up to receive the email blasts and robo calls from the Town.

NEW BUSINESS:

Review of Zoning Administrator Job Description – no comments on this. We will advertise for this position.

PUBLIC COMMENT:

ANNOUNCEMENTS:

- *Green Talks – Cooking with Local Produce, Thursday, August 16, 2018 from 5-6pm.at the Farmer’s Market*
- *Middletown Pride – Valley Wide Community Pep Rally – Saturday, August 25, 2018 from 5-8pm.*
- *Public Hearing on Capital Improvement Fee Increase – Thursday, September 6, 2018 at 7pm.*

ADJOURNMENT

Meeting adjourned at 9:07pm.

Respectfully submitted,

Ann Griffin
Office Manager

Town of Middletown Maryland
Guidelines for the Submission of Petitions for Referendum

The following guidelines shall apply to all Petitions for Referendum which are submitted to the Town of Middletown and which seek a Referendum Election on an issue or proposal:

1. A Petition for Referendum shall be submitted on the form established by the State of Maryland entitled "State of Maryland – Public Local Law Referendum Petition". A copy of the form may be obtained from the Middletown Town Office.
2. Each person signing a Petition for Referendum must be a resident of the Town of Middletown and must be a registered voter in Frederick County on the day the Petition is submitted to the Town.
3. Each person signing a Petition for Referendum must sign the Petition in the presence of the person circulating the Petition. The Person circulating the Petition shall sign the Petition at the bottom of each page of signatures attesting to the fact that the circulator witnessed the signature of each person signing the Petition. Petitions for Referendum shall not be left at a location unattended by a person sponsoring the Petition.
4. Each person signing a Petition shall both sign and legibly print his or her complete name as it appears on the County voter registration list, shall provide their address and date of birth, and the date they sign the Petition.
5. All persons signing a Petition for Referendum shall do so personally. Computer-generated or similar electronic signatures shall not be deemed valid and shall not be included in tallying the number of signatures required to be submitted.
6. The Petition shall contain, in a clear and obvious location on the signature pages, a description of the subject and purpose of the Petition. If the Petition seeks to place a question on an election ballot, the Petition shall include either a fair and accurate summary of the substantive provisions of the proposal or the full text of the proposal.
7. Petitions submitted to the Town of Middletown will be reviewed to validate the signatures and for compliance with these guidelines and with any applicable state law. The review will be conducted by such persons designated by the Burgess, which may include, but may not be limited to, the Town Administrator, Office Manager and Administrative Assistant.

8. All applicable state laws pertaining to the subject matter of the Petition shall be followed, including laws requiring that the Petition contain the total number of signatures required by law to be submitted and laws pertaining to time requirements for submitting such Petitions.

9. Any Petition for Referendum which is not in compliance with these guidelines shall not be considered valid and shall be rejected.

MEMORANDUM

Date: 8/22/2018

To: Burgess and Commissioners, Middletown
From: Cynthia K. Unangst, Middletown Staff Planner
RE: Microbrewery text amendment

The Middletown Planning Commission on July 16, 2018 reviewed the proposed Microbrewery text amendment which would add “microbrewery” as a permitted use in the TC Town Commercial District. By consensus the Planning Commission recommends that “microbreweries” be a permitted use in the GC General Commercial District, but a special exception use in the TC Town Commercial District. Following are changes to the Zoning code as recommended by the Planning Commission:

Section 17.04.030 – to add a definition for microbrewery

Microbrewery – facility used for the production of less than 1,000 barrels of beer annually, where such beverages are brewed for consumption at an on-site tasting room, or sold as packaged goods or distribution wholesale and which possesses the appropriate license from the State of Maryland.

Section 17.20.020(B)(17) – to add microbreweries as a permitted use in the GC district

Two options have been proposed in relation to microbreweries in the TC district:

1) Section 17.20.010(C)(6)- to add microbreweries as a special exception use in the TC district

Section 17.48.420 - to include specific standards for the microbrewery special exception use which would include the following:

- A. The appearance of the microbrewery shall be compatible with and harmonize with the surrounding buildings and neighboring community. A site plan of the microbrewery and tasting room shall be submitted to the planning commission for review and approval and changes shall be made as necessary;
- B. During the site plan process, an engineer’s certificate may be required regarding noise, dust, vibration and odor for review. The certificate shall certify that the proposed operation will not increase the impacts from the above noise, dust, vibration and odor beyond other permitted uses detectable at the property line. Hours of operation may be restricted by the planning commission due to noise, light and pedestrian or vehicle traffic;
- C. The microbrewery shall meet the town’s standards concerning noise and congestion. The microbrewery shall be closed by 10pm as governed by current Maryland State law;
- D. The use of outside amplified music is not permitted for the microbrewery use.

2) Section 17.20.010(B)(9) – **to add microbreweries under light assembly and fabricating list**

Another option put forth by Commission member Lake would be to add microbreweries to the ‘Light assembly and fabricating’ list in Section 17.20.010(B)(9). Those permitted uses are subject to the regulations listed in

Section 17.20.080 in which fabrication, light assembly and storage uses are permitted in the town commercial and general commercial zoning districts only in structures existing as of the date of adoption of the ordinance. As explained by Commission member Lake, this was intended to help fill vacant buildings with no need to go thru the extra hoop of getting Board of Appeals approval. A site plan, as always, would need to be approved by the Planning Commission. There are specific possible impacts such as noise, dust and odor, that can be looked at as well, which are outlined above in proposed Section 17.48.420.

As stated during the joint workshop held on Monday, August 6th, the Planning Commission is acceptable with either proposal, i.e., adding microbreweries as a special exception use in the TC district or adding them as an already approved use in the TC district under the fabrication, light assembly and storage uses.