

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 21, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, January 21, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Builders), Bob Smart (resident), Richard Favarulo (resident), John Huegelmeyer (resident), and Peter Regan (resident).

JANUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – John Huegelmeyer, 110 Manda Drive, had several questions concerning the Dowd property development. He was asked to hold his questions until the public comment at the end of the meeting because his questions might be answered when the Dowd property agenda items are discussed.

II. ELECT PLANNING COMMISSION CHAIR AND VICE CHAIR FOR 2019

- **Planning Commission Chair** – The Staff Planner opened the floor to accept nominations for Chair of the Planning Commission for 2019. Commission member Gallagher nominated Mark Carney as Planning Commission Chair for 2019. Seconded by Commission member Eichelberger. There were no other nominations. Motion carried (4-0).
- **Planning Commission Vice Chair** – The Staff Planner opened the floor to accept nominations for Vice Chair of the Planning Commission for 2019. Commissioner Catania nominated Rich Gallagher as Planning Commission Vice Chair for 2019. Seconded by Commission Chair Carney. There were no other nominations. Motion carried (4-0).

III. Regular Workshop Minutes of November 14, 2018 – Approved as submitted.

Regular Meeting Minutes of November 19, 2018 – Approved as submitted.

IV. PLAN REVIEW

Cross Stone Commons Revised Forest Conservation Plan – (David Lingg (Lingg Property Consulting) present). The current Forest Conservation Plan (FCP) was approved in May of 2014. The revised Offsite Forest Conservation Plan has been submitted to the Maryland Department of Natural Resources for review and approval. The plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Wiles Branch Park. The location within Wiles Branch Park was reviewed via a map. The revised proposal intends to use smaller seedling stock instead of larger nursery stock. Town Code lists the preferred sequence for afforestation and reforestation. Offsite afforestation or reforestation using whip and seedling stock is listed directly after nursery stock that is greater than 1.5 inches in diameter in the preferred sequence. Staff recommends approval of the revised plan using the container grown seedling size which complies with the Code requirements. Staff will also note that since the offsite planting area will be done on a steep slope, it will be important to develop a good site preparation and maintenance strategy for key survival of the trees.

- **Proposed Tree Planting** – The revised Offsite FCP is proposing two other tree stocking options. One specifies that 401 container grown overstory seedlings instead of 128 1.5" caliper trees, and 72 container grown understory seedlings instead of 22 1.5" caliper understory trees are proposed to be planted to meet the town's regulations for afforestation. The other option proposed would be bare root seedlings with 625 deciduous overstory plantings and 110 understory plantings. The proposals would use the same ratio of overstory plantings (85%) to understory plantings (15%) currently approved with the larger stock.
 - **Survival Rates** - Bare root seedlings and container grown seedlings have minimum stocking ratios and survival rates which are different than the requirements for larger trees. The survival rate is lower for bare root seedlings (55%) because the stock density per acre is higher (700/acre), than for the container grown seedlings with a 65% survival rate and a minimum 450/acre density. If fewer trees are planted per acre, then the survival rate requirement increases. The contractor the developer will use to do the planting recommended the use of smaller stock on the steep slope where the planting will take place for better survival rates. Town Code dictates that reforestation survival rate is 65% over two growing seasons. The Staff Planner will physically count the seedlings each growing season to determine the survival rate. If the number is less than 65%, the developer is notified and must plant more seedlings to meet the Town Code.
 - **Seedling Spacing** – The question was raised as to the new seedling spacing requirement with the usage of smaller plants. According to the Maryland State Forest Conservation Technical Manual bare root seedlings or whips must be planted 8 feet apart. Container grown seedlings must be planted 10 feet apart. The revised plan meets these conditions.
- **FRO Cost Estimates** – The dollar amount used for the 1.05acre planting with the seedling stock should be \$5,227.20 per acre instead of \$7,405.20 which is shown. Therefore, the dollar amount for the 1.05-acre planting should be \$5,488.56; the subtotal should be \$7,848.56; the 15% contingency should be \$1,177.28; and the surety should be \$9,025.84. These discrepancies must be addressed and can be completed at the staff level.
- **Timing** - According to Town Code, a person required to conduct afforestation or reforestation shall accomplish it within one year or one growing season, whichever is a greater time period, following development project completion. There is a concern that the afforestation might not take place for many, many years if Building #2 doesn't come to fruition soon. It is recommended that if this revised plan is approved, the plantings might take place this spring, or once Building #4 is completed either this fall or next spring. The developer intends to plant the seedlings within a year after building #4 is completed.

Action: Commission member Lake motioned to approve the Cross Stone Commons Revised Forest Conservation Plan using staff recommendations and using the container grown stock. Seconded by commission member Miller. Motion carried (5-0).

V. ZONING

Self-Storage Facility Special Exception Use – (David Lingg (Lingg Property Consulting) and Mark Lancaster (Lancaster Craftsman Builders), present). There is a conflict within the Town Code regarding storage facilities as a primary versus accessory use. The Planning Commission is tabling this item until this conflict is reviewed and resolved by the Town Board.

Action: Item tabled.

Middletown Valley Center Revised Concept Plan - (David Lingg (Lingg Property Consulting) and Mark Lancaster (Lancaster Craftsman Builders), present). This is for the proposed development of 48,800 square feet of commercial space in three separate buildings with 208 parking spaces, with a self-storage facility in the

rear of the property; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas. A revised copy of the concept plan was received today and distributed to Planning Commission members and the Town Engineer for review.

While the previous plan showed two one-story buildings and one two-story building, the revised plan shows two one-story retail pads and one three-story office building. The proposed retail square footage dropped from 24,450 square feet to 9,200 square feet. The proposed office square footage increased from 28,050 square feet to 39,600 square feet. The prior concept plan had a much smaller proposed indoor self-storage square-footage area than the revised plan although it encompasses the same space. The proposed indoor self-storage buildings are 8,400 square feet each with an additional 600 square foot office. The prior concept plan showed 296 parking spaces plus 13 for the self-storage use, while the revised plan shows 208 parking spaces plus 8 for the self-storage use. The Town Code does not identify the number of parking spaces required for self-storage facilities. The revised plan also shows how the proposed parking would be integrated with the existing parking in relation to drive aisles and so forth. The developer stated that this revised concept plan will meet the State regulations for stormwater management because of the additional landscaping that will occur. The developer provided the Planning Commission with a copy of the proposed architectural rendering of the 3-story building. It meets the Town Code for height and will not be much taller than the Safeway building.

- **Transportation Plan** - The revised plan shows a proposed 30-foot wide common access to the property from Old National Pike which includes land from the AC Jets property. The granting of access to the property at that location will be determined by the State Highway Administration. A letter was received from The Traffic Group along with Exhibit 1 entitled Trip Generation for Subject Site. Based on a review of the letter and exhibit, several questions emerged. The letter indicates that the development is projected to generate 59 AM and 75 PM trips. It also states that the development would not have a major impact on the roadway network with about 1 trip/minute coming to or from the site. When the Traffic Impact Analysis is completed, staff would like to better understand how one trip per minute would not be a major impact. Exhibit 1 suggests (in parenthesis) that due to the size of the office building, AM trips are too high by using the equation, and therefore, PM trips were used for AM. Again, that statement appears to be improper and an explanation should be included in the more detailed assessment of the traffic impact study. Staff recommends that the developer hold discussions with the shopping center owner to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. If the rear of the proposed development is to include RV and boat storage, the turning radiuses within the two properties will need to be examined.
- **Property Easements & Access** – The developer gave a simplified overview of the easements that were granted to the property in 1983. One is an easement, and potential access, from the Safeway Shopping Center which delineates possible reciprocating benefits to each property involved. A second easement, and possible access, is from US Alt 40 and is located on the southeast corner of the property. There is no access from the west to the proposed self-storage area. The developer was asked to provide a copy of the easement information to the Town Engineer and the Town Attorney for review.
- **Town Residents Comments and Concerns** –
 - Richard Favarulo, 103 Manda Drive – This revised concept plan shows no buffering or screening to surrounding properties, and how will the lighting impact neighboring properties? Landscaping, lighting and architectural review are addressed at the Site Plan Review. Residents are welcome to attend those meetings to give input.
 - John Huegelmeier, 110 Manda Drive – Even if there is DOT allowed access from US Alt. 40, most individuals will access the development through the Safeway parking lot which is already busy and overcrowded. He is against a 3-story building because of

possible stalker/voyeur potential. He is also against recreational vehicle and boat storage at this proposed self-storage because of the range of possible vehicles stored there and the varying degrees of upkeep they may be in, and also because of the potential of those owners working on their vehicles at that location and the noise it will generate. Again, those issues can be addressed at the Site Plan Review.

- Bob Smart, 7525 Coblenz Road, - Asked if it was possible for the proposed architectural rendering of the 3-story building provided to the Planning Commission be placed in the appropriate place on the Planning and Zoning page of the town website for others to see. Staff will place it on the website as requested.

The residents in attendance were recognized for their interest and concerns with this proposed development. They were encouraged to bring their concerns to the Site Plan Review for this project once scheduled.

Action: None taken.

V. COMPREHENSIVE PLAN REVIEW

Comprehensive Plan Update - Timeline – The Staff Planner reviewed the draft 2020 Comprehensive Plan time line. In February 2019 there are several public forums scheduled for residents to give their input, with the possibility of more in the future, if needed, as this update progresses. Public input will help drive some of the goals. An intern has been assisting with updating GIS so that areas will be more readily identifiable. This may also help with the inclusion of more graphics in the finished 2020 Comprehensive Plan. In 2013 the Maryland General Assembly changed the requirement for an update to every 10 years.

VI. MISCELLANEOUS

VII. ADDITIONAL PUBLIC COMMENT

- Rich Favarulo, 103 Manda Drive – With the Dowd property cleared of trees and brush, the lights from the Safeway Shopping Center now shine onto the neighborhood properties behind the Dowd property. He hopes that something will be done to address that if development is going to take a while. The Town Administrator is taking night time pictures of the lighting of the property. It was suggested that perhaps the owner of Safeway can make some adjustments to the current lighting.
- Peter Regan, 109 Manda Drive – Does not understand why the developer got rid of the third building. What happens if no one rents the space of the new development? Who maintains those buildings? It is too soon in the development process to have identified renters of the spaces in the proposed development. The Town and the developer both do not want the buildings to stand vacant. Mr. Regan also stated how rough the property was looking with all the trees torn out. He was wondering if anyone was watching what happens to the run off when it rains. The Soil Conservation District and Frederick County Stormwater Management are aware of the clearing of the site. There are environmental requirements that must be met when a site is cleared. If there are any problems, they are the ones to be notified.

Meeting adjourned at 8:22pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary