

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

March 18, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, March 18, 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), Bruce Carbaugh (Town Engineer) and Annette Alberghini (Recording Secretary). Others present: Tom Poss (Verdant Development Group), Bob Smart (resident), Mary Ann Geppert (resident), Gary Hill, Jr. (resident), Gary Higginbotham (resident), Mark Niemeyer (resident) and Trevor Dodman (resident).

MARCH MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of February 13, 2019 – Approved as submitted.

Regular Meeting Minutes of February 18, 2019 – Approved as submitted.

III. PLAN REVIEW

Middletown Water Storage Tank Site Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. Section 17.32.020 of the Town Code states that underground systems for water transmission are permitted in any district provided that a comprehensive plan for such a service is submitted for the review and approval of the town planning commission. The planning commission’s review of essential services will assure that the proposals are in accordance with the town master plan, do not unnecessarily form an obstruction to movement and community growth; and do not prove themselves objectionable by reason of hazard, unsightliness, odor, smoke, gas fumes, noise, vibration, radiation, refuse matter or water carried waste. A request for a stormwater waiver was submitted and approved by Frederick County. It is a permitted use in the Open Space district. The proposed storage tank meets the yard requirements and is proposed to be 11-feet above the ground. Notice was sent to all residents within 2,000 feet of the proposed tank informing them of the Planning Commission’s review of this site plan (per Town Code). The plans have been provided to the town engineer for review. Three members of the Planning Commission are members of the Town Water and Sewer Standing Committee and are familiar with the proposed Storage Tank plans. Residents present voiced concerns regarding landscaping/screening, lighting and impacts during construction.

• **Town Engineer Comments** –

- The Town Engineer reviewed the history of the 2 reservoirs currently in use by the Town. The smaller reservoir was created in 1894. The larger reservoir was created in the 1930’s. Both reservoirs were lined and covered during the 1980’s. The linings and both covers are past their useful life. The proposed storage tank would be built down into the location of the existing larger reservoir and then back filled so that depending on the grade of the backfill, 7 - 11 feet of the tank would be exposed above ground.

- **Construction & Access** - Access for construction of the new storage tank would be through the auxiliary gate on the east side of the site. A temporary crushed stone access road would be built from the auxiliary gate and tie in to Hollow Road. The Town Engineer provided the order in which the construction would proceed. He noted that noise would be minimal. Most would occur with the concrete trucks coming in for the pouring of the concrete slab floor. The Town Engineer expects the project to take less than a year once begun. The temporary access road will be removed once the project is complete.
- **Landscaping/Screening & Lighting** – The Town Engineer reviewed photos he had taken from the streets of the surrounding neighborhood looking towards the water reservoirs, noting where he recommends screening should be placed. It was also noted that the proposed tank is recessed to minimize the visual impact to the surrounding area. New lighting will consist of 2 LED lights at the vault locations, which would shine straight down. Landscaping/screening and lighting will be addressed at the Improvement Plan review.

Action: Commission member Lake motioned to approve the Middletown Water Storage Tank Site Plan with the understanding that the landscaping/screening, and lighting will be addressed during the Improvement Plan stage. Seconded by commission member Miller. Motion carried (5-0).

Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. The site contains 2.92 acres with no existing forest on the site, and the reservoir area is completely enclosed by an 8' high fence. The area between the chain link fence and western property line is a rip-rapped slope which contains the only woody vegetation on site. Shrub species include bush honeysuckle, multiflora rose and privet; tree species include tree of heaven, boxelder, cherry and hackberry, none of which are specimen size. Existing trees planted in adjacent residential properties provide screening from the reservoirs and storage areas. The total afforestation required for the 2.92-acre tract is 0.58 acres. No on-site afforestation can occur as there is not enough room.

All the requirements for forest stand delineation have been met. All the requirements for the preliminary forest conservation plan have been met aside from the determination of how the mitigation requirement will be met. The method for mitigation can occur at the final forest conservation plan stage.

Action: Commission member Miller motioned to approve the Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan as presented. Seconded by commission member Gallagher. Motion carried (5-0).

Franklin Commons Improvement Plans - (Tom Poss (Verdant Development Group), present). This is for the proposed construction of 18 multi-family dwellings in five buildings on a 1.74-acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments on the south side of Broad Street and west of Franklin Street. The improvement plans for Franklin Commons (formerly Chesterbrook – Phase 2) were conditionally approved on September 21, 2015. The approval was conditional on complying with the comments from the Director of Public Works and Frederick County, updating the lighting plan to include suitable shielding for the proposed lighting, replacing the first-floor window on the architectural rendering with a garage door, and deleting the unnecessary text box on the Landscape Plan per comments from the Staff Planner. The revised plans were reviewed by staff and signed on January 4, 2016. These improvement plans are back before the Planning Commission because the previous approval has expired.

- **Site plan re-approval** - The Chesterbrook Phase 2 Site Plan was re-approved on May 21, 2018 conditional upon the variance request for the height of the buildings being approved by the Board of Appeals (approved July 12, 2018), guaranteeing of the length of the driveways to be 20 feet long, and the understanding that the developer will work with the Town Engineer to make any necessary changes at the intersection of Franklin Street and Broad Street to take into account the speed bump that was installed in 2017.
- **Stormwater Management Plans** - Although the County had previously approved the plans, the plans will need to be re-approved as the approval expired on March 4, 2019.
- **Condominium Association** – The documentation for the Condominium Association for this development is being created at this time. Once it has been reviewed by the State, this documentation will have to come before the Planning Commission for review prior to the submittal of a building permit.
- **Street Intersection Improvements** – A town resident voiced concerns regarding the crosswalks shown on the plans at the intersection of Broad and Franklin Streets. The Town Engineer provided clarification. The Town Engineer recommended that the developer extend the handicap access at the corner to tie in with the existing raised crosswalk on Broad Street. The developer stated that their intent is to enlarge the handicap ramp and tie in with the raised crosswalk.
- **Town Project Manager and Town Engineer Comments** – The Town Project Manager and Town Engineer provided the following comments to be addressed:
 - All the Town Standard Notes need to be updated to reflect the current approved Standard Notes for Construction as provided on the Town's Website under Middletown Design Manual.
 - All the Town Standard Details need to be updated to reflect the current approved Standard Details for Construction as provided on the Town's Website under Middletown Design Manual.
 - Ensure that all Frederick County Details shown on the plans are reflecting the current approved version of the Details.
 - The existing Stop Sign located at the intersection of Broad St. and Franklin St. is to be relocated, replaced and reinstalled as necessary to accommodate the new radius at the intersection.
 - Sheets 2, 3, 4 and 7: Show the 6" bypass piping around the meter vault.
 - Sheet 7: Please add an additional note to read, "Fire Hydrant flushing shall be the responsibility of the Owner. It is recommended that Fire Hydrant flushing be done twice a year, once in the spring and once in the fall. The Owner shall notify the Town of Middletown (301-371-6171) prior to any flushing activities."
 - The proposed curb, curb radius, sidewalk, and acceleration lane near the intersection of Broad and Franklin will need to be redesigned to accommodate the current field conditions. There is a raised crosswalk located directly south of the Storm Drain Curb Inlet on the west side of Franklin Street and extends across Franklin Street. The developer will have to design their proposed grading, sidewalk, curb and gutter, and pavement in order to accommodate the existing raised crosswalk. It will be acceptable for the developer to remove the raised crosswalk to the road edge and replace the asphalt with concrete sidewalk where needed outside the travel lanes, i.e. behind the curb and gutter.
 - Street lights shall be private not town owned and a note needs to be added to the plans to reflect this.

Action: Commission member Lake motioned to conditionally re-approve the Franklin Commons Improvement Plan, conditional upon County re-approval of the stormwater management plans, addressing comments from both the Town Engineer and Town Project Manager, and Planning Commission review of the Condominium Association documents prior to building permit submittal. Seconded by commission member Miller. Motion carried (5-0).

IV. ZONING – The Planning Commission would like to receive a copy of the monthly report the Zoning Administrator provides to the Town Board. The Staff Planner will pass this request to the Zoning Administrator.

V. MISCELLANEOUS

2018 Annual Planning Report – The Planning Commission members have copies of the draft 2018 Annual Planning Report for review. Planning Commission members are asked to submit any new recommendations to the Staff Planner for inclusion in this report.

VII. ADDITIONAL PUBLIC COMMENT

Staff Planner Monthly Planning Update – The Staff Planner updated the Planning Commission on several projects occurring within the Town.

- **Middletown Glen** – Three more zoning certificate applications have been received for 3 new houses.
- **Cross Stone Commons** – Building 4 construction is continuing.
- **Dowd Property** – The developer would like to meet with the Safeway property manager regarding traffic flow improvement between the two properties.
- **Miller Property** – The Town has received a demolition plan for the 3 small buildings on the west side of the property. They are to be removed in order to provide additional parking spaces. This will be an agenda item for the April Planning Commission meeting.
- **Next Joint Town Board/Planning Commission Meeting** – May 6, 2019.

Meeting adjourned at 8:17pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary