

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

**Regular Meeting**

**April 16, 2018**

The regular meeting of the Middletown Planning Commission took place on Monday, April 16, 2018 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 Bob Miller, David Lake, Rich Gallagher and Dixie Eichelberger (Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Susan Dewitt (property owner) and David Lingg (Lingg Property Consulting).

**APRIL MONTHLY PLANNING COMMISSION MEETING:**

**I. PUBLIC COMMENT** – None

**II. Regular Workshop Minutes of March 14, 2018** – Approved as submitted

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

**III. PLAN REVIEW**

**Dewitt Deck Demolition Site Plan** – (Susan Dewitt (property owner) present). This is the proposed removal of an existing 240 square-foot deck to replace the deck with a new 240 square-foot deck in the same location at 116 Mariam Pass. All the requirements of Section 17.32.160 of the Town Code have been met. Adjacent property owners have been notified and the property has been posted. Demolition will be performed by Albaugh & Sons Contractors and is expected to take no more than half a day to complete. No explosive or incendiary device will be used. There are no water or sewer connections to the deck, and no hazardous materials are present. Safety precautions to be taken include the use of safety glasses and hard hats by the workers. A county demolition permit will be issued once approved by the Planning Commission, as both the County and the Zoning Administrator have signed off on the demolition site plan. All demolition shall be completed within ninety (90) days of issuance of a demolition permit in accordance with Town code.

**Action:** Commission Member Lake motioned to conditionally approve the Dewitt Deck Demolition Site Plan conditional upon the demolition being completed within 90 days issuance of the demolition permit. Seconded by Commission Member Gallagher. Motion carried (4-0).

**Valley Center Subdivision Lot 2 Forest Stand Delineation Review** – (David Lingg (Lingg Property Consulting), present). The purpose of the forest stand delineation is to allow for the owner/owner representative to do some clearing and grubbing of the site, which is necessary, so a property survey can be accomplished. The property is located on US Route 40A just east of the Safeway shopping center. According to Section 16.40.031.B.1.a of the Town Code, a forest stand delineation (FSD) shall be submitted for the Planning Commission’s approval. All requirements for forest stand delineation have been met. The plans have been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

- **Forest Definition** – The definition of a forest according to Section 16.40.001 – Definitions of the Town Code is as follows: a biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square-feet or greater; “forest” includes areas that have at least one hundred (100) live trees per acre with at least fifty (50) percent of those trees

having a two-inch or greater diameter at 4.5 feet above the ground and larger, and areas that have been cut but not cleared. According to the FSD there is no existing forest on this site in respect to the Town's definition of "forest". There are stands of trees scattered throughout the site as shown on the plan, but there are no stands of trees large enough, or dense enough to constitute the definition of a forest.

- **Summary of FSD Narrative** – There is one possible specimen tree near the eastern property line which is multi-trunked and will be re-evaluated once it leafs out. One other tree of note is an 18" dbh (diameter base height) pin oak at the rear of the Safeway store. Portions of the site have been maintained as mowed grass, or are covered in grasses and invasive multiflora rose and raspberry. Stands of trees include red maple, box elder, honeylocust, cherry, and invasive species of Bradford pear and tree of heaven. A majority of the trees are entangled with invasive bittersweet and honeysuckle vines. The understory consists primarily of invasive privet and bush honeysuckle. There is one stand of eastern red cedar which are in good shape and relatively clean of vines.
- **Information Correction** – The area shown as "mowed grass" has been revised to correctly delineate that area.

A question was raised as to why a FSD review was needed if the site does not contain a forest. A FSD review can state that there is no forest present. It then becomes part of the record of that site and can be referred to as the property is developed.

**Action:** Commission Member Miller motioned to approve the Valley Center Subdivision Lot 2 Forest Stand Delineation as presented. Seconded by Commission Member Gallagher. Motion carried (4-0).

#### IV. ZONING

**Proposed Text Amendment Changes** – The Zoning Administrator is developing proposed changes to the Town Code regarding demolition plans and storage containers. The intent is that items such as shed demolitions could be approved by the Zoning Administrator and not have to come before the Planning Commission, thus decreasing the wait time for applicants. The Planning Commission would like to discuss its concerns regarding determining a set building size in a demolition that should come before the Planning Commission for approval, as well as, possible site plan review of the property before anything is built to replace a large demolished structure. The Planning Commission requested that this be an agenda item on the next joint Town Board Planning Commission meeting in May.

#### V. MISCELLANEOUS

**2017 Annual Planning Report** – The Staff Planner asked for any additional changes to the 2017 Annual Report since the Planning Commission workshop on April 11<sup>th</sup>. It was noted that on the first page, under the list of the Middletown Planning Commission members that Meredith McKittrick's title as the Temp Alternate should be listed. The Staff Planner will make that change.

**Action:** Commission member Lake motioned to approve the 2017 Annual Report with the addition of commission member McKittrick's title on the first page. Seconded by Commission member Miller. Motion carried (3-0-1). Commissioner Catania abstained.

**Commission Member McKittrick Sabbatical** – Commission member McKittrick notified Burgess Miller that she will be taking a sabbatical beginning in August 2018 through June 2019 and will not be able to attend any Planning Commission meetings or workshops. In an email response Burgess Miller suggested that Ms. McKittrick stay on the Planning Commission while on sabbatical and still receive all Planning Commission information.

The Planning Commission values the input from all members to include the Temp Alternate member. Planning Commission members have concerns regarding holding a seat for someone who is not present. The Planning Commission recommends that the Temp Alternate position be open for another appointment to fill and complete Commission member McKittrick's term which ends June 2022. If no one is available to fill that position, Ms. McKittrick can resume her duties upon her return from sabbatical. The Planning Commission Chair will notify Burgess Miller of the Planning Commissions opinion on this topic.

**Annexation Update** – Commissioner Catania updated the Planning Commission members on the current status of the Memar annexation.

**VI. ADDITIONAL PUBLIC COMMENT** – None.

**Meeting adjourned at 8:04pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary